

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-809-2023

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CODE OF ORDINANCES, CHAPTER 19, "NUISANCES," ARTICLE IX "ABANDONED RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE," TO INCLUDE REGISTRATION AND INSPECTIONS FOR ALL SINGLE AND TWO-FAMILY RENTAL AND VACANT RESIDENTIAL PROPERTIES AND TO REVISE PROVISIONS RELATING TO MAINTENANCE, ENFORCEMENT, AND PENALTIES.

THE CITY OF FARMINGTON ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

Chapter 19, "Nuisances," of the City of Farmington Code of Ordinances is hereby amended to read as follows:

ARTICLE IX. – VACANT, RESIDENTIAL AND NON-OWNER OCCUPIED SINGLE AND TWO-FAMILY (RENTAL) PROPERTY REGISTRATION AND MAINTENANCE; ABANDONED RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE

Sec. 19-200. - Purpose.

- A. The purpose of this article is to help protect the health, safety and welfare of city residents and citizens, to prevent blight and property deterioration in neighborhoods, and to promote and maintain healthy, sanitary conditions in all single-family rental dwellings located throughout the city, recognizing the importance of such to the persons who do or may reside therein or in the vicinity. The city also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe single and two-family rental dwellings, as well as vacant properties, within the city which will provide for the maintenance of property values of nearby properties; and the reduction and elimination of blight; and other deleterious factors affecting neighborhoods and the quality of life within the city.
- B. It is the purpose and intent of the City of Farmington, through the adoption of this article requiring the registration and maintenance of vacant, or non-owner occupied residential rental properties by parties asserting a collateral or other legal or other interest in such properties, to establish a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and to provide for the security of vacant or abandoned properties. All vacant and non-owner occupied single and two-family rental properties shall obtain a registration and subsequent certificate of compliance subject to the rules as set forth in this article.

- C. Nothing in this article shall be construed as waiving, relieving or otherwise excusing an owner of residential property from compliance with applicable property maintenance rules and regulations, and such owner or owners shall at all times remain responsible and liable therefore.

Sec. 19-201. – Scope.

The provisions of this article shall apply to single and two-family rental dwellings, vacant residential property, and abandoned residential property of any type, and the properties on which they are located.

Sec. 19-202. - Definitions.

For the purposes of this article, certain words and phrases are defined as follows:

Abandoned means a property that is vacant and is under a current complaint for foreclosure or notice of foreclosure and/or notice of trustee's sale, pending tax sale, and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, and/or that have transferred under a deed in lieu of foreclosure/sale.

Accessible property means a property that is accessible through a compromised/breached gate, fence, wall, etc.

Accessible structure means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Agreement means any agreement or written instrument that provides that title to residential property shall be transferred or conveyed from one (1) owner to another owner after the sale, trade, transfer, or exchange.

Assignment of rents means an instrument that transfers the beneficial interest under a mortgage from one (1) lender/entity to another.

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

Buyer means any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for *property* described in an agreement of sale, as defined in this subsection.

Certificate of compliance means a certificate issued by the director of the department which certifies compliance with this article and other applicable codes and city ordinances and indicates the date of such certification. The Certificate shall be issued as either Vacant or Rental, upon completion of necessary inspection type, and upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and the premises are otherwise fit for occupancy, the certificate of compliance shall then be issued. Rental certificates shall be valid for up to three (3) years, or upon change of tenant or property use for rental property, and vacant certificates shall be valid up to three hundred and sixty (360) days or until change of use.

Certificate of compliance (Rental) means a certificate issued by the building official which certifies compliance with this article and other applicable codes and city ordinances and indicates the date of Rental Certification. The certificate shall consist of a complete inspection (Type A) and will remain valid for a period not to exceed three (3) years, or until change of tenant or the property becomes occupied.

Certificate of compliance (Vacant) means a certificate issued by the building official which certifies compliance with this article and other applicable codes and city ordinances and indicates the date of Vacant Certification. The certificate shall consist of an external inspection (Type B) and will remain valid for a period not to exceed three hundred and sixty (360) days, or until change of use.

Certificate of compliance (Vacant to Single-family/Re-occupancy) means a certificate issued by the building official which certifies compliance with this article and other applicable codes and city ordinances and indicates the date of Certification. The certificate shall consist of a complete inspection (Type A) and will remain valid until the property use changes from owner occupied to rental or vacant.

Certified rental dwelling means a building or structure which has a valid certificate of compliance.

Change of Use means when the principal use of the property changes to any of the following: (1) owner occupied dwelling, (2) a rental occupant, (3) or from vacant to a different use.

Change of Principal Occupant: means when the principal occupant of the property changes, whether that be the (1) owner occupant, (2) rental occupant, (3) or becomes vacant. (Is this still necessary?)

Code official means a city building official, building inspector, code enforcement officer, the director of the department and other city employees designated and legally authorized by that director or the city manager to administer and enforce this article.

Dangerous building means any building/structure that is in violation of any condition referenced in chapter 19, article II, of the City Code.

Days means consecutive calendar days.

Deed in lieu of foreclosure/sale means a recorded document that transfers ownership of a property from the trustor to the holder of a mortgage upon consent of the beneficiary of the mortgage.

Default means the failure to fulfill a contractual obligation, whether monetary or conditional.

Department means the city's department of planning and building.

Distressed means a property that is under a current notice of default and/or notice of trustee's sale and/or pending tax assessor's lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that 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, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Family means an individual or group of two (2) or more persons related by consanguinity, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together, up to six persons, in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition also does not include halfway houses for prisoner re-entry and similar facilities. It also does not include medication-assisted treatment for substance abuse patients, substance abuse disorder treatment facilities and similar facilities for those not recovered from substance abuse treatment.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the borrower defaults.

Inspection guidelines means the guidelines to be used by the code official in conducting inspections under this article, setting forth the minimum requirements for single-family rental dwellings.

Inspection Type (A) Complete: An inspection that consists of both Internal and External inspection types. Such inspection shall be required to obtain a Rental Certificate of Compliance, and also required upon change of use from Vacant to Single-family dwelling.

Inspection Type (B) External/Limited Internal: An inspection that occurs on the property of the exterior of a structure or dwelling; the front, side and rear yards; and the interior, but only to ensure that the structure is structurally safe, free of roof leaks and broken windows, and contains no more fire load than a normally occupied home, i.e. it cannot be utilized for storage. An Inspection Type B External/Limited Internal is the only inspection requirement to obtain a Vacant Certificate of Compliance.

Lease means a lease agreement, rental agreement or other written or oral agreement or arrangement for the use and occupancy of a single-family rental dwelling by one (1) or more persons that are not an owner.

Local means within fifty (50) road/driving miles distance of the subject *property*.

Mortgage means by which an interest in land is created by a written instrument providing security for the performance of a duty or obligation or the payment of a debt.

Neighborhood standard means those conditions that are present on a simple majority of properties within a three hundred-foot radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the three hundred-foot radius, shall not be counted toward the simple majority.

Non-owner occupied means single and two-family dwellings which are occupied by persons other than the owner, which may be evidenced by the homestead declaration on the property being less than 100 percent and a dwelling unit not occupied by the titled owner of the property, or a one or two-family dwelling for which an owner is offering to others, including friends, acquaintances, or relatives, for purposes of occupancy through rental or lease agreements, or by other mutually acceptable agreements, leading to occupancy including land contracts.

Occupants means tenants, lessees, renters, and/or persons residing in or occupying a single-family or two-family rental dwelling, who are not owners.

Out of area means in excess of fifty (50) road/driving miles distance of the subject property.

Out of area owner means an owner who resides or has their principal place of business more than 50 miles from the City, as measured from the City's closest border to the owner's residence or principal place of business.

Owner means any person, agent or entity having a recorded legal or equitable ownership interest in a single or two-family rental dwelling, which ownership interest is established by a written document that has been recorded at the Oakland County register of deeds office or is reflected on a property transfer affidavit filed with the city. Owner also means every person, entity, service company, property manager, real estate broker, or lending institution, who alone or severally with others:

- (1) Has a recorded legal or equitable interest in any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise; or
- (2) Has care, charge, or control of any dwelling, dwelling unit, or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder or legal title; or
- (3) Is a mortgagee of any such property; or
- (4) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property; or
- (5) Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this article shall not apply to a condominium association created pursuant to MCL 569.1 et seq. to the extent that such

Association foreclosures on or initiates the foreclosure process for unpaid assessments due or owing to the association; or

- (6) Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

Owner occupied means any person, agent, or entity having a recorded legal or equitable ownership interest in a single or two family dwelling, in which they reside.

Property means any unimproved or improved real property, or portion thereof, situated in the city, and includes the buildings or structures located on the property regardless of condition.

Rent or rented means a lease whereby a person is to pay or provide monetary or other consideration to another person for the right or privilege to use and occupy a residential rental unit for any period of time.

Residential building means any improved real property, or portion thereof, situated in the city, designed, or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as residential whether or not it is legally permitted and/or zoned for such use.

Secure or secured means such measures as may be directed by the City of Farmington Code Official or his or her designee that render the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, and the repair or boarding of doors, broken windows and/or other openings. In the case of broken windows, securing means the reglazing or boarding of the window. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required. In addition, secure or secured means closing and locking windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a person to access the interior of a property and/or structure(s).

Single-family dwelling means a building or structure designed exclusively for occupancy by one (1) family for residential purposes. This definition does not include structures or buildings the principal use of which results in licensing and/or inspection by the state.

Single-family rental dwelling means a single-family dwelling that is not occupied by an owner and that is rented or available to be rented.

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

Tenant means a person who rents or has a lease for a single-family rental dwelling.

Vacant means a building/structure that is not legally occupied.

Sec. 19-203. – Registration required.

- (A) Owners of vacant non-occupied property, or single and two-family rental dwellings, which are occupied by persons other than the owner, which may be evidenced by the homestead

declaration, or as otherwise defined in section 19-202, shall register such dwellings with the department as provided in this section if they are vacant, or before they are rented or offered for rent. A fee shall be paid upon registration pursuant to the City of Farmington's fee schedule, as set forth by City Council resolution. Such registrations shall be issued to the owner of record and will remain valid until the property becomes owner occupied, or change of ownership has been established. In the event of a change in property ownership, a new registration shall be required and obtained, except that a new registration shall not be required when changing from rental to vacant, or vacant to rental. Properties in which the use reverts from rental or vacant to owner occupied shall be exempted from registration, so long as the property remains as owner occupied and a certificate of compliance is obtained. Owners of vacant and rental properties who reside or have their principal place of business more than 50 miles from the City must provide either an on-site supervisor or a local property management company, and provide the contact information to the City.

- (B) Within 30 days after change of ownership or change of agent, the new owner or agent shall register with the Department of Building Safety in the same manner as previously set forth. After registration, and before occupancy or re-occupancy, owners of a single-family or two-family rental dwelling or vacant properties within the city must first obtain a certificate of compliance pursuant to section 19-204, Certificate of Compliance Required, which shall remain valid for a period as defined in section 19-202.- Definitions.
- (C) A property with a land contract recorded with the Oakland County Register of Deeds, which names the occupant of the dwelling unit as the purchaser, shall be exempt from the requirements of this division.
- (D) Owners of vacant residential property shall register such dwellings as vacant and obtain a certificate of compliance within 30 days of the vacancy occurring, pursuant to section 19-204, Certificate of Compliance Required. Such registration will remain valid until a change of property ownership or use has been established. Upon registration, the property owner will be required to obtain a certificate of compliance, which will remain valid for a period not to exceed three hundred and sixty (360) days.
- (E) An owner shall register the single-family or two-family rental dwelling with the city, and obtain a certificate of compliance, to be entitled to collect rent from tenants and occupants residing or located in the single-family rental dwelling. The certificate of compliance shall remain valid for a period not to exceed three (3) years, or upon change of occupancy of a dwelling unit after having been occupied.
- (F) An owner shall register rental property as vacant if the rental dwelling has been vacant for a period equal to or greater than 181 days. If a rental dwelling remains vacant or unoccupied for a period equal to or greater than 181 days, the property owner must apply to register the property as vacant and obtain a Certificate of Compliance (Vacant).
- (G) Failure to register within 30 days shall result in a penalty fee as established by City Council, and the penalty fee will accrue monthly.
- (H) Registration shall be on a form provided by the department. Required information shall include the name, address and telephone number of the owner and any managing agent.

For each individual owner and agent, a driver's license number or State of Michigan identification number must be provided. The department may require any additional information as may be relevant and necessary to the proper implementation and enforcement of this article. The form must be signed by all owners and agents.

- (I) Any changes, at any time, in the information provided by an owner on a registration form must be provided to the department in writing within thirty (30) days of the change.
- (J) If an owner is a business entity other than an individual, the names, addresses and telephone numbers of corporate officers, partners, members, and managers as applicable to the form of the organization shall be listed. If such business entity has no substantial assets other than the single-family rental dwelling to be registered and is controlled in whole or in part by one (1) or more other business entities, then the name, address and telephone numbers of those entities and their officers, partners, members and/or managers shall be listed.
- (K) All single and two-family rental dwellings existing at the effective date of this article shall be registered within ninety (90) days of the effective date of this article, and property owners must obtain a Certificate of Compliance. Such registrations shall be issued to the owner of record and shall remain valid until a change of ownership has been established. In the event of a change of ownership, a new registration is required, and a Certificate of Compliance shall be required and obtained, as defined in section 19-202.

Sec. 19-204. - Certificate of compliance required.

Persons shall not occupy, and owners shall not rent or allow occupancy, of a single or a two-family dwelling unless a certificate of compliance has been applied for and issued, except single and two-family rental dwellings existing on the effective date of the ordinance establishing this article may continue to be rented and occupied after such effective date without a certificate of compliance provided the owner timely complies with the registration requirements under section 19-203, pays all applicable fees established by City Council resolution, complies with the requirements of section 19-205 for the scheduling and performance of all inspections necessary for issuance of a certificate of compliance, and diligently and timely undertakes all actions necessary to meet the requirements for and obtain a certificate of compliance under this article. Owners of vacant residential property shall also be required to obtain a Certificate of Compliance and comply with sections 19-202, 19-203, 19-205, and 19-213.

- (A) A certificate of compliance shall not be issued until all outstanding costs, assessments, and/or liens owed to the city have been paid in full.
- (B) Any existing certificate of compliance for the registered holder or new owner's single-family rental dwelling shall be transferred to the new owner and shall be valid until its expiration or revocation, and the fee shall be paid for the registration. Registration shall not be required to change the property use from either rental or vacant to an owner-occupied dwelling, however, a certificate of compliance is required and must first be obtained. The certificate of compliance shall remain valid for a period not to exceed three (3) years or upon change of occupancy of a dwelling unit after having been occupied.

- (C) All existing, non-rental single-family dwellings that are converted to single-family rental dwellings after the effective date of this article shall first be registered and must obtain a certificate of compliance prior to the date on which the property is first occupied for rental purposes. Such registrations shall be issued to the owner of record and shall remain valid until a change of ownership occurs. In the event of a change of ownership, a new registration is required, a fee shall be paid for the registration, and certificate of compliance must be obtained.
- (D) All other single-family and two-family rental dwellings shall be registered and obtain a certificate of compliance prior to any occupancy as a rental dwelling. Such registrations shall be issued to the owner of record and shall remain valid until a change of ownership occurs. In the event of a change of ownership, a new registration is required, a fee shall be paid for the registration, and certificate of compliance must be obtained. Registration shall not be required to change the property use from either rental or vacant to an owner-occupied dwelling, however, a certificate of compliance is required and must first be obtained. The certificate of compliance for single and two-family rental dwellings shall remain valid for a period not to exceed three (3) years or upon change of occupancy of a dwelling unit.
- (E) A new owner shall register a single-family or two-family rental dwelling that is sold, transferred or conveyed, within thirty (30) days after the date of the sale, including corporate entity/name changes. Such registrations shall be issued to the owner of record and shall remain valid until a change of ownership occurs. In the event of a change of ownership, a new registration is required, a fee shall be paid for the registration, and a certificate of compliance must be obtained. Registration shall not be required to change the property use from either rental or vacant to an owner-occupied dwelling; however, a certificate of compliance must first be obtained prior to occupancy. Any existing certificate of compliance for the new owner's single-family or two-family rental dwelling shall be transferred to the new owner and shall be valid until its expiration or revocation.
- (F) After the registration of each individual single and two-family residential rental dwelling with the city, the owner of each rental dwelling shall be responsible to schedule an inspection and is required to obtain a certificate of compliance. Failure to obtain inspections within 60 days of registering shall result in a delinquent inspection fee, as established by City Council. In addition, failure to obtain a certificate of compliance within 30 days after the completion of a rental inspection shall be subject to a delinquent inspection fee, as established by City Council. The certificate of compliance shall remain valid for a period not to exceed three (3) years or upon change of occupancy of a dwelling unit after having been occupied.
- (G) Failure to obtain a certificate of compliance within 30 days shall require the issuance of a penalty fee added monthly until compliance with the ordinance is obtained. The amount of the penalty fee will be established by resolution in accordance with the City of Farmington Fee Schedule.

Sec. 19-205. – Inspection frequency.

- (A) The frequency of regular inspections of single-family or two-family rental dwellings under this article shall be at least one (1) such inspection every three (3) years, or whenever

there is a change of tenant. Duplex units shall be considered two (2) separate individual rental spaces for the purposes of this ordinance.

- (B) Vacant single or two-family dwellings shall be inspected every three hundred and sixty-five (365) days in order to verify exterior maintenance in compliance with this article.
- (C) Single and two-family rental dwellings and vacant residential property may be inspected any time there is a credible complaint or other indication of a violation of this article.

Sec. 19-206. – Inspection procedures.

- (A) The owner shall be responsible to ensure inspections are scheduled. Failure to comply may result in the issuance of a violation notice. The department shall then schedule and mail the registered owner or agent a notice of the date and time for all inspections and the fees that must be paid before the inspection.
- (B) Prior to receipt of a notice under subsection (A), a registered owner or their agent may provide written notice to the department of dates and times that inspections are requested to be or not be scheduled. Such requests shall not be binding on the department, but the department shall make a reasonable effort to accommodate reasonable and timely requests from registered owners or their agents.
- (C) An inspection may be rescheduled for just cause. Once a date and time for inspection is scheduled, an owner or an owner's agent shall:
 - (1) Notify the tenant(s) of the date and time when the inspection is scheduled to occur and, regardless of whether the owner or agent has a right to enter the residential dwelling under the lease with the tenant(s), request and obtain tenant permission for such entry. This notice shall be delivered both by mail and by posting at an entry door of the residential home at least twenty-one (21) calendar days prior to the date of the scheduled inspection.
 - (2) Notify each tenant or occupant that the property owner or agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the property owner/agent must provide access to the inspector by unlocking the door, verifying that no occupant is present and securing the unit after the inspection is completed.
 - (3) On the date and time for inspection, provide the code official with access to the single or two-family rental dwelling. If entry is refused or not obtained, the inspector shall conduct the inspection only as permitted by law. This article shall not be construed to require a tenant, occupant or owner to consent to a warrantless inspection except as provided by law.

Sec. 19-207. – Inspection and maintenance guidelines.

- (A) The Director of the Department shall prepare and maintain a list of inspection guidelines to be used in making inspections relating to the enforcement of this article. The inspection guidelines shall be based on this article and applicable code and ordinance requirements

and shall set forth the requirements and conditions and scope of repairs necessary for the issuance of a certificate of compliance.

- (B) In all circumstances, single-family rental dwellings and the premises upon which they are located shall be maintained in a manner consistent with the criteria set forth in the current version of the International Property Maintenance Code adopted and amended under Chapter 24 of this Code.
- (C) Regular inspections under this article shall be of the exterior of the single-family rental dwelling and the premises upon which it is located. The interior of single-family rental dwellings shall only be subject to inspections under this article if one or more of the following conditions have been reported to the City or been identified by an exterior inspection as likely existing:
 - (1) The single-family rental dwelling is, or is in or part of, a structure that is unsafe, unfit for human occupancy, unlawful, dangerous or that includes unsafe equipment, as defined and regulated under the current version of the International Property Maintenance Code administered and enforced under Chapter 24 of this Code.
 - (2) The single-family rental dwelling is, or is in or part of, a dangerous or unsafe building as determined by the City Building Official or their authorized designee.
 - (3) A violation of any maintenance standard in the current version of the International Property Maintenance Code in Chapter 24 of this Code that may allow rain, moisture, surface or roof drainage, or animals to enter the exterior walls, structure or living space of the single-family rental dwelling it is in or part of.
 - (4) The single-family rental dwelling is, or is in or part of, a structure that includes an unsafe condition pursuant to any other provision of this Code or any other code adopted by reference in this Code.
 - (5) Multiple or recurring violations of the inspection and maintenance guidelines under this article.

Sec. 19-208. – Transfer and termination of certificates of compliance.

- (A) The department shall transfer a certificate of compliance to a new owner when the new owner supplies the registration information required by section 19-203. A fee shall be paid upon new registration.
- (B) Upon receipt of a written notice and documentation of a sale or transfer of a single-family rental dwelling to a new owner that will occupy the premises with no portions rented, the owner shall then apply for a new certificate of compliance and an inspection fee shall be paid. After the owner obtains the certificate of compliance, the department shall terminate any former certificate of compliance (rental or vacant) and remove the unit from the city's registry of single-family rental dwellings or vacant property registry, as appropriate.

Sec. 19-209. Suspension of certificate of compliance.

- (A) The Building Official or their authorized designee shall suspend a rental dwelling certificate of compliance if the owner or responsible local agent has not complied with a complaint notice. The building official or their authorized designee shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:
- (1) That the rental dwelling certificate of compliance has been suspended as of the date of the notice.
 - (2) State the reason for the suspension.
 - (3) That it is unlawful for any rental unit to continue to be occupied for more than six (6) days after the date of suspension of the rental dwelling certificate of compliance.
 - (4) That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the rental dwelling certificate of compliance is reinstated or a new rental dwelling certificate of compliance is issued.
- (B) Failure to comply with the terms of suspension as set out in this subsection shall be a violation of this article and may be subject to a delinquent inspection fee as determined by City Council.

Sec. 19-210. Reinstatement of suspended certificate of compliance.

- (A) A suspended rental dwelling certificate of compliance shall be reinstated if the building department director determines that a rental dwelling has been brought into compliance with the standards of this article. The city shall notify the owner or responsible agent by regular mail, noting the reinstatement of the rental dwelling certificate of compliance. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. The owner shall pay a reinstatement fee and all inspection fees and amounts to be determined by the City Council prior to reinstatement of the certificate.
- (B) Appeal. Suspension of a rental dwelling certificate of compliance may be appealed to the Construction Board of Appeals.
- (C) Notifying tenants of suspended certificate. The city shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to occupant and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article.

Sec. 19-211. – Abandoned property registration.

- (A) Any owner shall perform an inspection, to the extent permitted by law, within five (5) days after either filing 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 owner shall, within ten (10) days of the inspection, register the property as vacant

with the City of Farmington Code Official head or his or her designee on forms provided by the city.

- (B) If the property is occupied but remains in default it shall be inspected, to the extent permitted by law, by the owner, or a designee, monthly until (1) the owner of record remedies the default or (2) the property is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned and the owner shall, within ten (10) days of that inspection, register the property with the City of Farmington Code Official head or his or her designee on forms provided by the city.
- (C) The registration shall contain the name of the owner (corporation or individual), the direct street/office mailing address of the beneficiary/trustee (no P.O. boxes), a direct contact name and phone number for the beneficiary/trustee and, in the case of a corporation or out-of-area owner, the local property management company responsible for the security, maintenance, and marketing of the property. Registration fees will not be prorated.
- (D) An annual Certificate of Compliance inspection fee shall accompany the initial registration form. The registration shall be valid until a change of ownership, and the inspection shall be valid for the calendar year, or the remaining portion of the calendar year, in which the registration was initially required. Subsequent inspections shall be scheduled and fees shall be paid 30 days prior to the expiration of the existing certificate.
- (E) For properties that are not registered within the required time, an additional fee for the added cost of the city's expenses in having to determine ownership, which may include, but are 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 in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.
- (F) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the mortgagee involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. Such properties shall be registered with the city in accordance with the terms of this section upon transfer even if occupied at the time of the transfer.
- (G) Properties subject to this article shall remain under the annual registration and inspection requirements, security, and maintenance standards of this section as long as they remain vacant.
- (H) Any person, firm, or corporation that has registered a property under this article must report any change of information contained in the registration to the City of Farmington Building Department within ten (10) days of the change.

Sec. 19-212. - Maintenance requirements for vacant or abandoned property.

- (A) Vacant and abandoned properties subject to this section must comply with Chapter 24, Property Maintenance. In addition, such property shall be, in comparison to the neighborhood standard, kept free of weeds, 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 personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

- (B) The 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) Visible front and side yards shall be maintained in accordance with property maintenance standards in this City Code, including Chapter 24, Property Maintenance.
- (D) Maintenance includes but is not limited to regular watering, irrigation, cutting, pruning, and moving of required landscape and removal of all trimmings.
- (E) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry, and must comply with the minimum security fencing requirements of the State of Michigan.
- (F) Adherence to this section does not relieve the owner of any obligations set forth in any covenants, conditions, and restrictions and/or homeowners' association rules and regulations which may apply to the property.

Sec. 19-213. - Security requirements for vacant or abandoned property.

- (A) Properties subject to this section shall be secured so as not to be accessible to unauthorized persons.
- (B) If the owner is out-of-area, 50 miles or greater, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

Sec. 19-214. - Additional authority.

In addition to the enforcement remedies established in this Chapter 19, or in Chapter 24 of the City of Farmington Code of Ordinances relating to property maintenance, the City of Farmington Code Official head or his or her designee shall have the authority to require the owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all doors, windows, or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

Sec. 19-215. – Fees for rental, vacant or abandoned property.

The fees for registering and inspecting rental, vacant or abandoned residential property shall be set by resolution of the City of Farmington City Council.

Sec. 19-216. – Inspections for vacant or abandoned property.

The city and/or its agents shall conduct inspections annually or as necessary 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. 19-217. – Reoccupancy of vacant or abandoned property.

A vacant or an abandoned residential structure shall not be occupied until a certificate of compliance has been issued by the city, and all violations have been corrected in accordance with the applicable requirements of the Michigan Building/Residential Code, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code, International Property Maintenance Code, and applicable provisions of the City of Farmington Code of Ordinances. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair. In addition, a certificate of compliance shall not be issued until all outstanding costs, assessments and/or liens owed to the city have been paid in full.

Sec. 19-218. - Violation/abatement.

Failure to timely register a rental dwelling, or any other violation of this article shall be a municipal civil infraction. The requirements of this article are in addition to, and not in lieu of, all other city ordinances, rules and regulations. Violations of this article may be enforced as allowed in Chapter 24, Property Maintenance, of the City of Farmington Code of Ordinances. Alternatively, at the sole discretion of the city, the city may issue to the beneficiary/trustee/owner and/or owner of record a notice to abate. The notice to abate shall include:

- (1) The nature and location of the violation;
- (2) The time within which the violation must be abated;
- (3) Notice that the city may act to abate the violation if it is not abated by the owner within a reasonable time stated in the notice, but which may not exceed fifteen (15) days;
- (4) Notice that the cost of such action by the city, plus an administrative fee, shall be a personal debt of the owner, which may be assessed as a lien against the property until paid; and
- (5) Notice that any refusal to allow the city to abate an uncorrected violation shall be a separate violation under this Code.

Sec. 19-219. - Authorization for city abatement.

Upon failure of an owner to abate a violation as ordered in a notice to abate, the city may abate the nuisance. This abatement may be performed by the city, by a contract vendor, or by other means determined by the city.

Sec. 19-220. - Administrative fees.

The fees necessary for the administration of this article and authorized by section 19-215 shall be established from time to time by resolution of the City Council. Such administrative fees may include the following:

- (1) Notice to abate;
- (2) Search warrant;
- (3) Warning letter;
- (4) Civil infraction preparation;
- (5) Additional inspections;
- (6) Abatement.

Sec. 19-221 - Charge to owner.

When the city has abated a cited nuisance, the cost of abatement, plus any applicable administrative charges as established by City Council resolution, shall be billed to the property owner. Such billing shall be a personal debt of the owner to the city, which may be assessed as a lien against the property, including interest thereon, until paid.

Sec. 19-222. - Appeals.

Any person aggrieved by any of the requirements of this section may appeal to the Construction Board of Appeals of the City of Farmington, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, the requirements of this Code are adequately satisfied by other means, or the strict application of any requirement of this Code would cause an undue hardship.

Sec. 19-223. – Fees.

Except as may be otherwise provided in section 19-215, the owner of the single or two-family rental dwelling, or vacant property shall be responsible for payment of registration, inspection, certificate of compliance and other fees, including late fees, involved in the administration and enforcement of this article, which fees shall be established by resolution of the City Council.

Sec. 19-224. – Collection of fees.

- (A) All required fees shall be paid at the time of submitting application materials and before commencement of scheduled inspections, unless otherwise authorized by the department.
- (B) In the event of repeated complaints from a tenant necessitating multiple inspections of a particular single-family rental dwelling between regular inspection periods, the director of

the department may, in their discretion, require advance payment of inspection fees by the tenant.

- (C) If for any reason, fees that are due and payable under this article are not paid, a statement of the fees shall be mailed to the owner or, if applicable, the tenant.

Sec. 19-225. – Violation and penalty.

- (A) A violation of any provision of this article shall constitute a municipal civil infraction in accordance with Chapter 1 of the City Code.
- (B) In addition, any use or activity in violation of the terms of this article is hereby declared to be a nuisance per se and may be abated by order of any court of competent jurisdiction. The City, in addition to other remedies, may institute any appropriate action or proceeding to vacate the premises and/or prevent, abate or restrain the violation.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City of Farmington Code of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

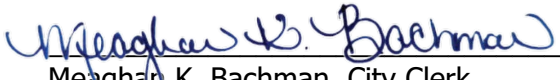
This ordinance shall be effective upon publication in the manner prescribed by law.

Section 6 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Farmington at a meeting called and held on the 5TH day of September 2023, and ordered to be given publication in the manner prescribed by law.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the 5th day of September 2023, the original of which is on file in my office.



Meaghan K. Bachman, City Clerk
City of Farmington