

Village of Lake Isabella

1010 Clubhouse Drive  
Lake Isabella, MI, 48893  
989-644-8654

**ORDINANCE 2017 – 06**  
***RESIDENTIAL RENTAL PROPERTY STANDARDS***

The Village of Lake Isabella hereby ordains:

**SECTION 1 PURPOSE**

The purpose of this Ordinance is amend the adopted standards and procedures pertaining to rental dwellings in the Village of Lake Isabella. These amendments maintain minimum standards that all rental units must comply with, allow for inspections as requested, and also continue the prohibition of short-term rentals in all single-family zoning districts.

**SECTION 2 CHAPTER 832 AMENDED**

Chapter 832 of the Codified Ordinances is hereby amended to read as attached.

**SECTION 3 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is found for any reason to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4 ORDINANCES REPEALED**

All ordinances and/or parts of ordinances inconsistent with this Ordinance are hereby repealed.

**SECTION 5 EFFECTIVE DATE**

This Ordinance shall take effect and be in force upon the expiration of 7 days of the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned, President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2017-06 “**RESIDENTIAL RENTAL PROPERTY STANDARDS**” of the Village of Lake Isabella was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at regular or special meeting of the Lake Isabella Council, offered by councilmember \_\_\_\_\_, and seconded by councilmember \_\_\_\_\_. Originally introduced by councilmember Kiel.

<b>Village Council Introduction</b>	<b>October 17, 2017</b>
<b>Village Council Public Hearing</b>	<b>November 21, 2017</b>
<b>Village Council Enactment</b>	

The vote on this Ordinance was taken by roll-call with the “yeas” and “nays” recorded as such.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Dated at Lake Isabella, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Village Council President  
 Dave Torgerson

\_\_\_\_\_  
 Village Clerk  
 Jeffrey P. Grey

Article VIII –Taxation & Business Regulation  
**Chapter 832 – Residential Rental Property Standards License & Inspection**

Adopted July 15, 2008; Ordinance 2008-04

Last Amended on \_\_\_\_\_ by Ordinance \_\_\_\_\_

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Chapter 832.01	Purpose
Chapter 832.03	Definitions
Chapter 832.05	Landlord Requirements
Chapter 832.07	<u>Standards &amp; Inspections</u> <del>Procedure &amp; Rental License</del>
Chapter 832.09	Appeal Process
Chapter 832.11	Violations & Penalties

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**832.01 PURPOSE**

It is the purpose of the ordinance to increase the public safety and well-being by maintaining residential rental properties at a minimal standard that rental properties in the Village of Lake Isabella are safe, habitable, and kept in conditions that are in compliance with the ordinances of the Village of Lake Isabella.

**832.03 DEFINITIONS**

The definitions found in the zoning code of the Village of Lake Isabella and those listed herein shall serve as the foundation for all definitions in this Chapter:

1. **Exit** – A Continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit courts, and yards.
2. **Habitable Floor Space** – Space in a structure with a minimum clearing from floor the bottom of the ceiling of seven feet (7’) for living, sleeping, eating or cooking. Bathroom, toilet rooms, closets, hallways, storage, utility spaces, and similar areas shall not be considered habitable floor space.
3. **Inspections Officer** - Any person such designated as a Code Enforcement Officer by the Village of Lake Isabella.
4. **Occupant** – Any person living or sleeping in a dwelling.
5. **Owner** – Any person, who alone or jointly or severally with others:
  - (a) Shall have legal or equitable title to any dwelling.
  - (b) Shall have charge, care or control of any dwelling, as owner or agent of the owner, or as the executor, administrator, trustee or guardian of the estate of the owner.
  - (c) Any such person acting on behalf of, or caring for the property of the title owner shall be bound to comply with the provisions of this ordinance and the rules and regulations of the Village of Lake Isabella.

- ~~6. **Parking Plan** – A scale drawing of a lot or lots showing all buildings, structures, drives, and the designated parking spaces for each vehicle, including setbacks from each building and property line and screening/fencing where required.~~
- ~~7.6.~~ **Rent** – Any payment for the use of a dwelling or a portion of a dwelling, including but not limited to payment of money or goods or the performance of services of labor or the payment of taxes or utilities.
7. **Short-term Rental** – Any dwelling, or portion thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period less than twenty-eight (28) consecutive days.
8. **Tenant** – An occupant who pays rent for a dwelling.
- ~~9. **Weekend, Short-term, or Seasonal Rental** – Any dwelling where all, or a portion, of the dwelling is rented out on a temporary or recurring basis for any period of time shorter than in 6 month increments.~~
- ~~10.9.~~ **Window** – A glazed opening, including glazed doors, which open upon a yard, or recess from a court.

### **832.05 LANDLORD REQUIREMENTS**

Property owners shall comply with all of the following conditions:

1. Following the change of ~~all~~ tenants of a dwelling, the new tenants shall be provided with a clean, healthful, and safe dwelling which meets the minimum standards contained in this Chapter code, and which complies with other applicable codes of the Village of Lake Isabella, Isabella County, and the State of Michigan.
2. Structures and exterior areas shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated in a manner not injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. ~~(2006 International Property Maintenance Code; Section 302.5)~~
3. Maintain the areas visible from any public right-of-way and adjacent residential properties in and around a dwelling in a clean, safe and sanitary condition.
4. Maintain and repair any equipment specified in this code in a workmanship like manner that they are required to provide. This includes but is not limited to; plumbing, heating, ventilating, electrical systems, windows, and steps. When and where discrepancy occurs as to what “workmanship like manner” is, the ~~2006~~ most current version of the International Property Maintenance Code shall govern.

~~Provide and maintain rubbish and garbage containers and regular service that can be tightly closed and will prevent the entry of animals, rodents and other pests.~~

Chapter 832 – Residential Rental Property Standards License & Inspection

5. In the event that a Tenant requests an inspection by a Inspection Officer of the Village of Lake Isabella to Pprovide access for an inspection ~~as part of the licensing procedure after being presented with the proper identification and credentials by an authorized Inspection Officer of the Village of Lake Isabella.~~ The Inspections Officer shall have the right to enter and inspect the property during reasonable times of the day ~~as part of the licensing procedure; and/or~~ at the request of the landlord, tenant or occupant; and in emergency circumstances where health, welfare, or property of a person is in danger.
- ~~6. To annually secure a rental license from the Village of Lake Isabella and renewal of such license on an annual basis, and provide a copy of such at no charge to his/her tenant.~~
- ~~7. To not allow a rental dwelling to be occupied for more residents than the property is licensed for.~~
- ~~8.6.~~ To not allow a dwelling that is zoned for single-family residential use to be used or occupied in a manner that violates the definition of “single-family” in the zoning code for the Village of Lake Isabella. This includes using all or any portion of the dwelling as a Short-Term Rental as defined herein in any single-family zoning districts. In all other districts Short-term rentals may be allowed if do so via an approved use in the zoning code such as a Hotel/Motel, Lodge, or similar use as allowed in the zoning code. as a weekend, short term, or seasonal rental in districts zoned for “single-family.”

**832.07  
LICENSE**

**STANDARDS & INSPECTIONS ~~PROCEDURE & RENTAL~~**

1. ~~Each residential property being rented, leased, or sub-leased is required to obtain a rental license from the Village of Lake Isabella. The license shall first be applied for with an application fee as set by resolution of the Village Council. The application shall provide times when the property may be inspected by a Village Inspection Officer, and a measured floor plan for the rental dwelling. Upon receipt of the fee and application an Inspection Officer of the Village shall arrange a time for inspection with the owner or agent of property for inspection of the following criteria. Properties offered or used as a rental dwelling, shall comply with the following minimum standards of habitation:~~
  - (a) Bathroom Equipment
    1. At least one operating flush toilet with at least 18 inches of clear space in front of the toilet
    2. At least one sink connected to usable hot and cold running water.
    3. At least one bathtub or shower stall connected to usable hot and cold running water.

4. All bathrooms and powder rooms shall be contained within a separate room providing privacy from other portions of the dwelling.
- (b) Exits
1. All rental dwellings shall be provided with at least two (2) independent fire escape routes. An escape route such as an exterior porch roof, an accessible window, or landing may constitute an independent fire escape route.
  2. Every bedroom shall have at least one (1) operable ingress/egress window or exterior door constructed to permit emergency exit or rescue.
  3. Where no exterior door or window exists in a bedroom, two (2) doors are required. Each door must lead to an independent exit of the unit.
- (c) Fire Extinguishers
1. Every rental dwelling shall have located inside of the premises to at least one (1) fire multi-purpose extinguisher, preferably located in the kitchen area or utility room area or in a location of clear and obvious view.
- (d) Handrails and Guardrails
1. Handrails not less than thirty (30) inches in height, nor more than thirty-four (34) inches, shall be provided for and maintained on at least one side of a stairway or steps with three or more risers.
  2. Porches, balconies, landings, or raised floors located more than forty (40) inches above the floor or grade shall have a guardrail not less than thirty (30) inches in height.
  3. If the basement is not used as a living space these requirements do not apply to basement areas.
- (e) Kitchen Equipment & Appliances
1. At least one sink connected to usable hot and cold running water.
  2. If any appliances are provided for by the owner such as but not limited to stoves, ovens, ranges, refrigerators, freezers, washing machine, clothes dryer, or iceboxes such appliances shall in full working order.
- (f) Smoke Detectors
1. All dwellings are required to have at least one operational smoke detector with a non-removable lithium battery, or be hard-wired directly to the structure's electrical system, on each floor.
- (g) Stairways and Steps
1. All stairways and steps, whether inside or outside, shall be maintained in a safe condition. Stairways between stories shall properly illuminated.

(h) Windows and Doors

1. All windows and doors of a rental dwelling shall be safe and operational. Window panes shall be intact and free from holes and/or cracks. Broken windows shall be replaced in a reasonable time.
2. All exterior doors shall be equipped with at least one key type lock.
3. Exterior windows if designed to be either open or closed shall have a latch or key type locking mechanism.

(i) Exterior Appearance & Parking

1. If the dwelling is a mobile home, all exterior skirting shall be firmly attached to the dwelling on all sides.
2. All decks and steps shall be in firm condition with no gaps or broken boards or pieces.
3. All external lighting shall be in working order and comply with the Village of Lake Isabella lighting code standards.
4. ~~Each dwelling shall provide a total of two independent parking spaces on site. At no time shall parking of a vehicle occur in any yard or place than those designated as approved parking areas. The Owner shall provide off-street parking in driveways and other areas which comply to the Codified Ordinances of the Village of Lake Isabella for the vehicles and trailers of the Tenant.~~
5. Lawns and landscaping shall be provided for and maintained.
6. Sufficient waste receptacles shall be used to keep trash and refuse in closed container, and such trash or refuse shall be removed weekly.

(j) Interior Walls, Floors, and Ceilings

1. All interior walls, floors, and ceilings shall be in sound condition, free from gaps or holes which could be a danger to the occupants.

~~(k) Waste Removal Contract~~

1. ~~Prior to the issuance of any rental license, the Village shall be provided with a copy of a contract or other agreement with a refuse company for the regular removal of household trash from the rental location, or a notarized memorandum of understanding whereby the landlord, agent, or tenant agrees to be the responsible party for solid waste removal at the property.~~

~~(k)~~ Occupancy Threshold

1. Occupancy shall comply with the minimum standards of the following table:

Space	Minimum Floor Area in Habitable Square Feet	
	Up to 6 Occupants	7 or more Occupants
Living Room	120	150

Dining Room	80	100
Kitchen	60	80
Bedrooms	Every bedroom occupied by 1 person shall contain at least 70 square feet of habitable floor area.	
Minimum Room Width	A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension.	

2. Bedrooms shall not constitute the only means of access or egress to other bedrooms or other habitable spaces. Every bedroom shall have access to at least one water closet/lavatory without passing through another bedroom.
2. Upon completion of the inspection the Inspections Officer shall, if the dwelling passes the above criteria, sign and date the ~~license as approved~~ inspection report.
- ~~3. Prior to the inspection, the Inspection Officer shall send the landlord a pre-inspection checklist pertaining to the license.~~
34. If for any reason the property to be rented fails the inspection the owner shall make any repairs or modifications needed to gain approval and upon completion of such repairs and/or modifications request a second inspection in order to comply with the minimum standards contained in this Chapter ~~gain licensing, the fee for such shall be set by resolution.~~
- ~~5. Any owner or agent of an owner who does not first obtain a license before allowing the property being rented to be occupied shall be required to pay a double application fee as set by resolution of the Village Council for the license application.~~
- ~~6. All licenses shall annually expire on December 31<sup>st</sup>. Licenses may be renewed for an annual fee as set by resolution of the Village Council and by passing an inspection of the items contained herein once every three years. The requirement for an inspection may be waived if the property has had two consecutive annual inspections performed by the State of Michigan, and was licensed by the Village of Lake Isabella as a rental during that period of time.~~
- ~~7. The property owner shall be the responsible party for the upkeep of the property including compliance with all applicable blight, tall weeds/grass, or other such nuisance regulations and the Michigan Residential Code.~~
- ~~8. Any property that receives a total of 3 Civil Infraction tickets in a calendar year shall have its rental license revoked and shall not be eligible for relicensing in the upcoming calendar year.~~

**832.09 APPEAL PROCESS**

If any owner or agent desires to appeal the results of their inspection ~~or license revocation,~~ they may do so by filing a written objection to the Zoning Board of Appeals. The objection shall be filed as required by the zoning code. The ZBA



shall review the objection and may grant approval of ~~a license~~ to the owner or agent. The ZBA may also table the request to allow for any desired repairs or modifications be made for their approval. The decision of the ZBA shall be final.

**832.11 PENALTY**

1. Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.
2. In addition to any other penalties or remedies available, the Village is authorized and empowered to direct the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owner as it appears on the latest ad valorem property tax assessment roll, or current owner if such is different and known to the Village and be mailed via first class or posted at the property in violation, and shall inform the property owner of the following:
  - a. The nature of the violation/nuisance
  - b. The time in which the violation/nuisance must be abated.
3. Upon failure, neglect or refusal of any property owner to comply with the provisions of this chapter, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property owner's property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance maintained.
4. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
5. The failure to receive the notice as provided for in subsection (2) is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees authorized by this article.