



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1336**

AN ORDINANCE TO AMEND CHAPTER 22 “BUSINESSES” OF THE YPSILANTI CITY CODE, BY ADDING ARTICLE VI, “INSPECTION AND CONTROL OF CERTAIN BUSINESSES” AND SETTING FORTH THE PENALTIES FOR VIOLATIONS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 22 of the Ypsilanti City Code, entitled “Businesses”, is hereby amended by adding Article VI "Inspection and control of certain businesses", which Article reads as follows:

ARTICLE VI. – INSPECTION AND CONTROL OF CERTAIN BUSINESSES

DIVISION 1. – GENERALLY

Sec. 22-201. - Definitions.

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

Businesses means any business with premises in the City of Ypsilanti other than home occupations (Home occupations are as defined in Chapter 122 Zoning of the Ypsilanti City Code and must comply with that Chapter).

Business occupancy permit means an official document titled "business occupancy permit" issued by the city building inspection department for a business indicating that the covered premises identified thereon are in apparent compliance with all applicable provisions of the City Code including Chapter 11 Zoning and all codes adopted by reference, particularly the property maintenance code.

Existing business means any business currently existing at its current location at the time this ordinance becomes effective and has not had a change of use or occupancy.

New business means any business not currently existing at its current location at the time this ordinance becomes effective and any business which has a change of use, location, or occupancy.

Substantial compliance means that there are no imminent life, health or safety-threatening violations and that all current registration information has been provided.

Temporary business occupancy permit means a business occupancy permit issued by the city building inspection department for a business indicating that the covered premises

identified thereon are substantially in apparent compliance with all applicable provisions of the City Code including Chapter 122 Zoning and all codes adopted by reference, particularly the property maintenance code.

Sec. 22-202. - Inspections.

(a) *Generally.* The city building inspection department shall forthwith undertake systematic inspection of all businesses at two-year intervals for the purpose of determining whether the premises therein are in compliance with the codes noted above and for the purposes of determining whether their premises qualify for a business occupancy permit. Those businesses which are in compliance shall be issued a business occupancy permit. Those businesses which are in substantial compliance may be issued a temporary business occupancy permit.

(b) *Phase-in of requirement.*

(1) *New businesses.* A new business must apply for, be inspected, comply with the City Codes noted above, and obtain a valid business occupancy permit prior to the business beginning operation.

(2) *Existing businesses.* It is anticipated that all existing business shall have been inspected once, complied with the City Codes noted above, and obtained a valid business occupancy permit by June 1, 2021.

(3) Nothing in this Section negates the need for any business, new or existing, to comply with Chapter 122 of the Ypsilanti City Code, Section 122-341 Certificate of Occupancy.

(c) *In accordance with law.* All inspections shall be performed in accordance and as authorized by law.

Sec. 22-203. - Scope of inspection authority.

Nothing in this article shall be construed to restrict the lawful authority of the building inspection department or any other city department to inspect any businesses in the city more frequently than such periodic inspection as outlined in the previous sections, such as when a complaint is filed or it otherwise has reasonable cause to believe the businesses or its premises are in violation of the city Codes, so long as they comply with the requirements of the law

Sec. 22-204. - Registry of business occupancy permit holders.

The city building inspection department shall maintain a registry of all businesses which have obtained valid business occupancy permits. Such registry shall be available for inspection by any person.

Sec. 22-205. - Blight violation.

A person who violates any provision of this article is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 71-73](#). The imposition of a fine for any violation shall not excuse the violation nor permit the violation to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each day that violations continue shall constitute a separate offense.

Sec. 22-206. - Reinspection: presumptions.

(a) *Failure to have premises timely reinspected.* Following inspection and notice of violations, should the owner, the manager, or the person responsible for the premises fail to have the premises reinspected prior to the date specified for correction of the violations or by any extended date granted by the building department manager, it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or the person responsible for the premises shall be responsible for failing to repair those violations as if they had not been corrected.

(b) *Inability to conduct reinspection.* Should the city building department not be able to gain entry to the premises for inspection for a properly scheduled reinspection then it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or person responsible for the premises shall be responsible for failing to repair those violations as if they had not been corrected.

DIVISION 3. – REGISTRATION

Sec. 22-210. - Required.

(a) All persons owning a business shall register with the building inspection department indicating their name, address, telephone number and the address of all businesses owned by them in the City of Ypsilanti.

(1) *New businesses.* A new business must be registered prior to the business beginning operation.

(2) *Existing businesses.* An existing business must be registered by September 2, 2019.

(b) If the premises are managed or operated by a Manager, the owner shall supply the manager's name, address and telephone number and indicate that such manager is authorized to receive notices and process under this article.

(c) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed. If such corporation has no substantial assets other than the business in question and is controlled in whole or in part by another corporation or corporations, then the name and address of the corporations and the names, addresses and telephone numbers of the officers shall be listed.

(d) Any change in address of the owner or manager shall be noted in the registry by the owner or the manager.

(e) For all businesses, an individual who is either an owner or a manager must be designated as the "owner/manager." For each "owner/manager," the following information shall be provided: name (including Jr., III, etc., and middle name if the individual's driver's license or state identification contains such information), address, driver's license number or State of Michigan identification number, and date of birth. All changes to the "owner/manager" and to the information required by this subsection must be provided to the City of Ypsilanti building department in writing within 14 days of the change. The designation of an individual as the "owner/manager" shall be prima facie evidence that the named individual has sufficient control over the business to be named as a defendant in a legal action to enforce compliance with the applicable provisions of the Ypsilanti City Code with regard to buildings, fire prevention, and the requirements of this Article.

DIVISION 3. – BUSINESS OCCUPANCY PERMIT

Sec. 22-215. - Required.

(a) *New businesses.* No person, including but not limited to the owner, the manager, and the owner/manager, shall operate a new business at premises in the City unless that owner, manager, or owner/manager has first obtained a valid business occupancy permit from the city building inspection department covering the premises. If a business has more than one premises in the city, a separate business occupancy permit must be obtained for each separate premises. Additionally, no person shall allow a new business to operate on property that they own, lease, or control unless the business has a valid business occupancy permit from the city building department covering that business on those premises.

(b) *Existing businesses.* No person, including but not limited to the owner, the manager, and the owner/manager, shall operate an existing business at premises in the City after June 1, 2021, unless that owner, manager, or owner/manager has first obtained a valid business occupancy permit from the city building inspection department covering the premises. If an existing business has more than one premises in the city, a separate business occupancy permit must be obtained for each separate premises. Additionally, no person shall allow an existing business to operate on property that they own, lease, or control premises in the City after June 1, 2021, unless the business has a valid business occupancy permit from the city building department covering that business on those premises.

- (c) Nothing in this Section negates the need for any business, new or existing, to comply with Chapter 122 of the Ypsilanti City Code, Section 122-341 Certificate of Occupancy.

Sec. 22-216. - Application.

The owner or the owner's agent shall apply for a business occupancy permit by submitting a completed application form to the city building inspection department. The application form shall contain the following information:

- (a) The address(es) of the premises to be inspected/covered.
- (b) The information required by Section 22-210.
- (c) Hours that the owner or agent are usually available to admit and accompany the building department representative for inspection.
- (d) The type of business on the premises.
- (e) Copies of all required licenses, permits, and zoning compliance.

Sec. 22-217. - Notice of intent to inspect.

If the owner or the owner's agent shall not apply for a business occupancy permit the building inspection department will send notices of its intent to inspect a business to the owner or agent. Owners or agents having residence or business addresses within the county shall have 14 days from the date of mailing to submit the completed application, fees and request for appointment. Out of county owners or agents, provided no agent has a business address in the county, shall have 21 days from the date of mailing to submit the completed application form, the fees and a written request for appointment.

Sec. 22-218. - Issuance.

A business occupancy permit shall be issued for a business with no apparent violations and for which all current registration information has been provided on condition that the premises remain in safe, healthful and fit condition for occupancy. The owner of the property, the address of the complying premises, and the expiration date shall be shown thereon. If upon reinspection, the building representative determines that violations exist or the permit has expired, the permit shall be immediately suspended, the affected areas may be ordered vacated until the premises is brought into compliance, and a temporary permit may be issued pursuant to section 22-219 covering premises not ordered vacated.

Sec. 22-219. - Temporary permit.

A temporary business occupancy permit may be issued for a business' premises following inspection, which is found to be substantially in apparent compliance, provided there are no imminent life, health or safety-threatening violations and provided that all current registration information has been provided. The temporary permit shall state on its face any remaining violations to be corrected and state that it will expire if such violations are not corrected within the time specified by the building department representative or reasonable extensions thereof which shall be noted on the permit. Failure by the owner or the owner's agent to correct the

violations within the time specified by the building department representative shall constitute a violation of this Code and the business' premises shall be ordered vacated.

Sec. 22-220. - Expiration and reinspection procedures.

Business occupancy permits shall normally expire two years after the date that they are issued unless earlier suspended by the building inspection department. The date of issuance shall be indicated on the permit. If the previous business occupancy permit expires prior to a new permit being issued, the new permit shall expire two years after the previous permit expired, unless more than two years have passed. If more than two years have passed the new permit shall be issued which will expire two years after the re-inspection approval. If circumstances arise wherein a valid business occupancy permit expires, the owner has correctly made application for inspection, and the building department has not conducted the inspection within a reasonable time, a temporary permit may be issued.

At least three months before the current, valid business occupancy permit expires, it is the duty of the owner of the property to arrange for the inspection necessary for the issuance of a new permit prior to the expiration of the previous permit. If the owner does not timely schedule the inspection, the building inspection department will schedule the inspection and send out a notice to the owner or the owner's agent. The building inspection department will schedule all necessary subsequent inspections following the initial scheduled inspection, whether or not the inspection was performed, and send out notices to the owners or the owners' agents for those re-inspections.

Sec. 22-221. - Transferability.

(a) Business occupancy permits shall be transferable when the ownership of a business changes provided that the business has a valid business occupancy permit or valid temporary business occupancy permit in effect covering the business' premises and so long as there has been no change of use.

(b) It shall be the duty of the new owner to register with the building inspection department, consistent with section 22-210. The business occupancy permit shall not be transferred until the registration requirement is satisfied.

Sec. 22-222. - Fees.

The owner of the property shall be responsible for payment of all fees which are set by resolution of the city council and on file at city hall.

Sec. 22-223. - Collection of fees.

Application fees shall be paid prior to an application being processed.

(a) Inspection fees for appointments shall be payable at the time of making the appointment for the inspection or reinspection.

(b) When no appointment is made by the owner prior to the inspection or reinspection taking place, then the charge for the inspection shall be printed on a statement which shall be submitted to the owner or the owner's agent for payment. This amount shall be due and payable when the statement is issued.

(1) The amount due under this section shall accrue interest at the rate of six percent per annum from the date 30 days following issuance of the statement.

(2) The recorded statement constitutes a lien. When the full amount due the city is not paid by such owner within 30 days following the date of the statement as provided in subsection (b)(1) of this section, then and in that case, the city clerk shall cause to be recorded in the assessor's office a sworn statement showing the charge for the inspections, the date the inspection was done and the location of the property on which the inspection was conducted. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further, shall be subject to a delinquent penalty of six percent in the event the costs and expenses are not paid in full on or before the date the tax bill upon which such charge appears to become delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the inspection has been conducted and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the costs and expenses are due and collectible as provided by law.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 21st DAY OF May, 2019.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1336 was published according to Section 11.13 of the City Charter on the 23rd day of April, 2019.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 21st day of May, 2019.

Andrew Hellenga, City Clerk

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First Reading: May 7, 2019

Second Reading: May 21, 2019

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