

ORDINANCE NO. 153

RENTAL UNIT REGULATION ORDINANCE

AN ORDINANCE TO REGULATE RENTAL UNITS IN LAKETOWN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN; TO REQUIRE REGISTRATION OF RENTAL UNITS; TO REQUIRE CERTIFICATES OF COMPLIANCE; TO REQUIRE INSPECTIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to regulate rental units in Laketown Township (the "Township"). The reasons for this Ordinance include the following, without limitation.

- A. Rental units are generally, in whole or in part, not occupied by their owners.
- B. The occupants of rental units tend to change more often than the occupants of owner-occupied dwelling units.
- C. Because of subsection A and subsection B above, rental units in general tend to deteriorate more quickly and to remain in a deteriorated condition longer than owner-occupied dwelling units.
- D. Occupants of rental units generally do not have the right or the responsibility to maintain the condition of or to repair the rental unit.
- E. The Township wishes to protect innocent third parties from renting substandard rental units.
- F. The Township further wishes to protect innocent third parties who move into a rental unit which subsequently deteriorates, when the third parties do not have the

right or the responsibility to maintain the condition of or to repair the rental unit's deteriorating condition.

Section 2. Definitions.

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

- A. "Landlord" means any person who owns or controls and rents a rental unit, either personally or through a designated agent, to any person.
- B. "Owner" means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- C. "Person" means a firm, association, partnership, joint venture, corporation, trust, an equivalent entity or a combination of these entities, or a natural person.
- D. "Rental unit" means any multiplefamily dwelling unit or residential structure containing sleeping units, including but not limited to hotels, motels, bed and breakfast establishments, boardinghouses, or sleeping rooms, which are rented by the owner or other person in control of such units to any person, whether by day, week, month, year or any other term.
- E. "Responsible local agent" means a person having a place of residence in Allegan County and designated by the owner as responsible for operating rental units in compliance with the ordinances adopted by the Township. All official notices of the Township may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner.

Section 3. Fees. Fees for registration of rental units, inspections and certificates of compliance shall be as established by resolution of the Township Board.

Section 4. Penalties. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the Township, and subject to a fine of \$50.00 plus costs and other sanctions for each infraction. Each day during which any violation continues after notice has

been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation 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. The increased civil fine for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions; and
- B. The fine for any offense which is a second repeat offense or any subsequent repeat offense, shall be \$500.00, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 5. Registration.

- A. Required. No owner shall lease, rent or otherwise allow a rental unit to be occupied unless the rental unit is registered with the Township and a person is designated a responsible local agent. The responsible local agent shall be legally responsible for operating the registered rental unit in compliance with the ordinances adopted by the Township, shall be responsible for providing access to the rental unit for any and all inspections necessary to ensure compliance with the ordinances adopted by the Township, 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 the names and number of occupants of each rental unit for which he is responsible.
- B. Registration Term and Renewal of Existing Rental Units. The registration of a rental unit shall be effective for one year, and it shall be the responsibility of the owner to reregister the rental unit by the first day of the month immediately preceding the expiration of the registration for the rental unit. Upon registration, a certificate of compliance shall be obtained pursuant to this Ordinance prior to permitting occupancy of any new rental unit.

- C. Change in Registration Information. The owner of a rental unit registered with the Township shall reregister within 60 days after any change occurs in registration information. A new owner of a registered rental unit shall reregister the rental unit as provided in this Ordinance.
- D. Application for Registration. An application for registration of a rental unit shall be made in such form and in accordance with such instructions as may be provided by the Township Board or its designee and shall include at least the following information:
- (1) The address of the rental unit;
 - (2) The names and addresses of all owners of the rental unit;
 - (3) The name, address and telephone number of the person authorized to collect rent from the individual(s) occupying the rental unit;
 - (4) The name, local address and telephone number of the responsible local agent;
 - (5) The number of rental units in each building;
 - (6) The authorization appointing a responsible local agent signed by both the owner and the responsible local agent; and
 - (7) The name, business address and telephone number of any person who holds a lien on the rental unit or the real property on which the rental unit is located.
- E. Inaccurate or Incomplete Registration Information. It shall be a violation of this Ordinance for an owner or a responsible local agent to provide inaccurate information for the registration of a rental unit or to fail to provide information required by the Township for the registration. 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 has an ownership interest, the required information shall be provided for each such owner.

Section 6. Certificate of Compliance.

- A. Required. No person shall own, operate, lease, rent or occupy a rental unit unless there is a valid certificate of compliance issued by the Township Board or its designee, which certificate of compliance shall be issued in the name of the owner and issued for the specific rental unit.

The certificate of compliance shall be issued for each building containing a rental unit. The certificate of compliance shall be displayed in a conspicuous place in each rental unit at all times. The certificate of compliance shall be issued only after both of the following are completed:

- (1) Registration of the rental unit with the Township; and
- (2) Inspection by the Township Board or its designee demonstrating compliance with all ordinances adopted by the Township and state law.

- B. Biennial Inspections. Subsequent to the registration of all rental units as required by this Ordinance, the Township Board or its designee shall commence an inspection of all rental units. During the calendar year, the Township Board or its designee shall notify half of all registered owners of rental units that an inspection must be completed. Once the rental unit is deemed to be in compliance with all ordinances adopted by the Township and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of two years. During the following calendar year, the Township Board or its designee shall inspect the remaining half of the rental units. Once the rental unit is deemed to be in compliance with all ordinances adopted by the Township and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. Prior to conducting the inspection on the second half of the rental units, the Township Board or its designee may issue a temporary certificate for such units. Once the inspection required for issuance of the certificate of compliance is satisfied, it shall then be valid for a period of two years. The Township Board or its designee shall thereafter alternate inspection biennially. The biennial inspection shall not, however, eliminate the registered owners' responsibility to register such units on an annual basis.

- C. Temporary Certificates. Temporary certificates of compliance may be issued without prior inspection to owners of occupied rental units existing within one month after the effective date of this Ordinance. Such certificates may be issued as of the effective date of the initial registration following that date, to allow

owners to operate such rental units until such time as an inspection may be made by the Township Board or its designee. At such time as an inspection is made by the Township Board or its designee and a determination has been made that compliance with the provisions of this Ordinance have been secured, the temporary certificate shall expire.

- D. Prerequisites for Issuance. The Township Board or its designee shall not issue a certificate of compliance unless a current rental unit registration is in effect, the responsible local agent is properly designated, any fees for registration plus any penalties are paid in full and inspection as required by this Ordinance has determined that compliance has been secured with the minimum standards and other provisions of the ordinances adopted by the Township.

- E. Inspections. All facilities, areas and units governed by this Ordinance shall be inspected. All facilities, areas and units inspected shall comply with the standards of the ordinances adopted by the Township. If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent; and no inspection shall be completed until the fee is paid in full.

- F. 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 with rental units:
 - (1) A copy of the current certificate of compliance; and
 - (2) The name, address and telephone number of the responsible local agent.

- G. Revocation. If the Township Board or its designee shall discover the failure of any owner to comply with a notice of violation issued pursuant to the provisions of the ordinances adopted by the Township, the certificate of compliance may be revoked.

- H. Appeal of Denial of Registration or Revocation. Any owner whose rental unit registration has been denied or whose certificate of compliance has been revoked may file an appeal to the Township Board, if the denied or revocation was by a designee of the Township Board. If the denial or revocation was by the Township Board, an appeal may be made to the Laketown Township Zoning Board of

Appeals. The appeal must be filed with the Township within 14 calendar days of the denial or revocation.

I. Vacation or Fine for Revocation.

- (1) Upon revocation of a certificate of compliance and the completion of any appeal, if the rental unit is deemed unfit for human habitation, the rental unit shall immediately be vacated. No person shall thereafter occupy the rental unit for sleeping or living purposes until it complies with this Ordinance.
- (2) When a rental unit is found to be in violation of the provisions of the ordinances adopted by the Township but determined to be habitable, a vacation order shall not be entered. However, the certificate of compliance shall be deemed expired and the rental unit shall be in violation of the terms of this Ordinance.

J. Expiration. A certificate of compliance shall expire on the date stated on the certificate of compliance or on the repair date stated on a notice to repair. Sixty days after such expiration date, it shall be unlawful for the rental unit to be occupied unless a new certificate of compliance has been issued. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the responsible local agent is notified to register the rental unit.

K. Notification of Expired Certificate. Sixty days after expiration of a certificate of compliance, the Township may issue a notice of expired certificate to the owner and to the occupant of the rental unit. A placard containing the required notice shall be posted on the rental unit and may not be removed until a new certificate of compliance is issued. The notice shall state that:

- (1) The rental unit does not have a valid certificate of compliance;
- (2) It is unlawful for any vacant rental unit to be reoccupied or rented; and
- (3) Current tenants may be entitled to escrow rent moneys as provided for under state law.

L. Renewal. At least 30 days prior to the expiration of a certificate of compliance, the Township shall notify the owner to reregister the rental unit and to arrange for a compliance inspection. The owner shall be responsible for reregistering a rental

unit and arranging a compliance inspection prior to the expiration date on the certificate. When a certificate of compliance is reissued in accordance with this Ordinance, it shall have a oneyear expiration date with the same month and day as shown on the previous certificate, regardless of the date that the new certificate is actually issued.

- M. Certificate of Compliance Not Required. A certificate of compliance shall not be required for living or sleeping accommodations in jails, hospitals, nursing homes, school dormitories, convalescent homes, retirement homes, foster homes or for temporary group shelters provided by legal notforprofit agencies which are inspected, certified and/or licensed by other governmental agencies.

Section 7. Inspections.

- A. Basis. Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following:
- (1) A complaint received by the Township indicating that there is a violation of the standards or the provisions of the ordinances adopted by the Township;
 - (2) An observation by the Township of a violation of the standards or the provisions of the ordinances adopted by the Township;
 - (3) A report or observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire damaged;
 - (4) The registration, reregistration and certification of a rental unit as required by this Ordinance;
 - (5) The need to determine compliance with a notice or an order issued by the Township;
 - (6) Designation by the Township Board or its designee of an area where all dwellings, accessory buildings or yards are to be inspected uniformly or intensively or for specific violations;
 - (7) An emergency observed or reasonably believed to exist;
 - (8) A request for an inspection by the property owner; or

- (9) Requirements of law where a dwelling is to be demolished by the Township or where ownership is to be transferred to the Township.
- B. Complaint Initiated Inspections. If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected rental unit.
- C. Reinspection. Where a reinspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, there will be charged a separate fee for every inspection when the violation has not been abated or corrected.
- D. Transfer of Ownership Inspection.
- (1) If there is a transfer of ownership concerning any rental unit, including an owner occupied rental unit, and a current certificate of compliance exists, a final inspection by the Township Board or its designee shall be waived.
 - (2) If there is a transfer of ownership concerning any rental unit, including an owner occupied rental unit, and a current certificate of compliance does not exist, there shall be a final inspection by the Township Board or its designee. If violations of this Ordinance are found, a notice of violations shall be issued to both the current owner and the prospective buyer.
 - (3) If ownership of any rental unit is transferred contrary to this Ordinance, the certificate of compliance and rental unit registration shall be deemed to expire within 60 days of the transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance.
 - (4) If a transfer of ownership occurs and violations are found during the final inspection, the rental unit registration shall become invalid. Any new owner shall register within ten days of the date of transfer of any rental unit. Every person holding such registration shall notify the Township Board or its designee in writing of the change in the ownership of such rental unit.
 - (5) Any residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owneroccupied rental unit, shall be notified of any transfer of ownership.

Section 8. Severability. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Administrative Liability. No Township officer, agent, employee or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 10. Repeal. All ordinances, parts of ordinances or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict.

Section 11. Effective Date. This Ordinance was approved and adopted by the Township Board on January 14, 2009. This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township.

Terry Hofmeyer, Township Supervisor

Wendy Van Huis, Township Clerk

RB021525

CERTIFICATE

I, Wendy Van Huis, the Clerk for the Township of Laketown, Allegan County, Michigan, do hereby certify that the foregoing Laketown Township Rental Unit Regulation Ordinance was adopted at a regular meeting of the Township Board held on January 14, 2009. The following members of the Township Board were present at that meeting: Hofmeyer, Van Huis, Dewey, Stielstra and Scanlan. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with all members of the Board voting in favor and no members of the Board voting in opposition. Notice of Adoption and the Ordinance were published in the *Holland Sentinel* on January 30, 2009.

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Wendy Van Huis, Township Clerk

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