

NOTICE OF ADOPTION OF LAKETOWN TOWNSHIP ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted at the Laketown Township Board meeting held on February 12, 2020.

PLEASE TAKE FURTHER NOTICE that the Ordinance is given effect thirty days after publication.

PLEASE TAKE FURTHER NOTICE that a copy of the Ordinance is attached as Exhibit A and may be purchased or inspected by any person at the Township Hall of the Township of Laketown, 4338 Beeline Road, Holland, Michigan 49423 (Telephone:(616) 335-3050) on any day Monday through Friday, except holidays, between the hours of 7:30 a.m. and 5:00 p.m.

Dated February 19, 2020
Michelle Sall, Clerk
Laketown Township

EXHIBIT A
ORDINANCE NO. 197
RENTAL UNIT AMENDMENT ORDINANCE

AN ORDINANCE TO RESTATE ARTICLE III OF CHAPTER 10 OF THE CODE OF ORDINANCES FOR LAKETOWN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ADDRESSING RENTAL UNITS.

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

Section I. Article III of Chapter 10 of the Laketown Township Code of Ordinances shall be restated in its entirety as follows.

Sec. 10-46. Purpose.

The purpose of this article is to regulate rental units in the township. The reasons for this article include the following, without limitation.

- (a) Rental units are generally, in whole or in part, not occupied by the owners.
- (b) The occupants of rental units tend to change more often than the occupants of owner-occupied dwelling units.
- (c) Because of subsections (1) and (2) of this section, 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.
- (g) The above reasons are often even more true for short term rentals, as defined in the Zoning Chapter of this Code, further justifying the purpose of this article.

Sec. 10-47. 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.

Owner means the legal title holder(s) of a rental unit or the premises within which the rental unit is situated. In those cases in which the owner is not a natural person, the owner shall be the president, general manager, or other chief executive officer of the organization. All natural persons or entities with an interest in the rental unit shall be considered owners.

Rental unit means any 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 period of time. The term "rental unit" shall not include jails, hospitals, nursing homes, school dormitories, convalescent homes, retirement homes, foster homes, or temporary group shelters provided by legal not-for-profit agencies which are inspected, certified, and/or licensed by other governmental agencies.

Responsible local agent means a person having a place of residence within 35 miles of the geographical limits of the township 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. The owner may designate the owner or one of the owners as the responsible local agent.

Sec. 10-48. Fees.

Fees for registration of rental units, inspections, and certificates of compliance shall be as established by resolution of the township board.

Sec. 10-49. Violations are municipal civil infractions.

Any person who violates a provision of this article or shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction.

Sec. 10-50. 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.

(b) *Responsible local agent.* The owner must designate a responsible local agent, who:

- (1) Shall be legally responsible for operating the registered rental unit in compliance with the ordinances adopted by the township;
- (2) 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;
- (3) Shall accept all legal notices or service of process with respect to the rental unit; and
- (4) Shall maintain a list of the names and number of occupants of each rental unit for which the agent is responsible.

(c) *Change in information.* The owner of a rental unit registered with the township shall update the township within 60 days after any change occurs in registration information. If ownership of any rental unit is transferred, the certificate of compliance and rental unit registration shall be deemed to expire 60 days after transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance by the new owner of the rental unit.

(d) *Application.* 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, street addresses, telephone numbers, and email addresses of the owner(s) of the rental unit;
- (3) The name, street address, telephone number, and email address of the responsible local agent of the rental unit;
- (4) The number of rental units in each building;
- (5) The authorization appointing a responsible local agent signed by both the owner(s) and the responsible local agent;
- (6) The length of the leases for the rental units;
- (7) The parking plan to accommodate the motor vehicles of the occupants of the rental unit; and
- (8) The number of bedrooms in each rental unit.

(e) *Inaccurate or incomplete information.* It shall be a violation of this article 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.

(f) *Fees.* A registration fee shall also be paid, in an amount set by the township board.

(g) *Assessed fees.* The owner shall pay all assessed fees for registration and inspection of the rental unit, as well as all state and local taxes levied and assessed against the rental unit that are due and payable at the time registration is requested from the township.

Sec. 10-51. Certificate of compliance.

(a) *Certificate.* 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. The 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 required for each building containing a rental unit.

(b) *Requirements.* The certificate of compliance shall be issued only when:

- (1) The rental unit has been registered with the township;
- (2) The rental unit passes the initial inspection and any subsequently required inspections (as described below); and

(c) 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 multiple rental units:

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

(d) *Revocation.* If a violation of this article is determined, the township board or its designee may revoke the certificate of compliance.

(e) *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 denial 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 township zoning board of appeals. The appeal must be filed with the township within 14 calendar days of the denial or revocation.

(f) *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 article.
- (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 article.

(g) *Expiration.* A certificate of compliance shall expire on the December 31 which is at least two but not more than three years after issuance.

(h) *Notification of expired certificate.* At least 60 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.

(i) *Renewal.* At least 30 days prior to the expiration of a certificate of compliance, the township shall notify the owner to renew the certificate of compliance, and the owner must so renew before the existing certificate of compliance expires.

Sec. 10-52. Rental unit and occupant requirements.

All rental units shall comply with the following minimum requirements.

(a) Every bedroom and a common area on every floor in a rental unit shall have an operational smoke alarm that is tested at least every 90 days to ensure that it remains operational. Every floor in a rental unit shall have at least one operational carbon monoxide detector that is tested at least every 90 days to ensure that it remains operational.

(b) Every rental unit shall have a working fire extinguisher on every occupied floor.

(c) Every rental unit shall satisfy all applicable requirements of the applicable building code, including without limitation free and clear exits, handrails, etc. Every habitable space in a rental unit shall comply with the requirements of the International Property Maintenance Code, as adopted by the Township, regarding the sizes of windows and their use as a means of egress.

(d) Every rental unit shall have at least one hard-surface off-street parking space for every two bedrooms, and in any event shall have enough hard-surface off-street parking spaces to accommodate the vehicles of the occupants of the rental unit. Vehicles shall not be parked in the rental unit's driveway in a manner to prevent emergency vehicle access to the rental unit.

(e) The maximum occupancy of a rental unit shall not exceed two persons per bedroom or the occupancy limits of the International Property Maintenance Code, as adopted by the Township, whichever is greater. No renters or guests at a rental unit may sleep on couches, the floor, in tents, or in trailers on the real property hosting the rental unit. In any event, the occupancy of a rental unit may not exceed 16 persons unless a special use is approved by the Planning Commission per Chapter 38 of this Code, and that special use specifically allows greater occupancy subject to any appropriate conditions established by the Planning Commission.

(f) Every rental unit shall have adequate trash receptacles and a contract in effect with a waste hauler licensed to operate in the township.

(g) Every rental unit shall be insured as a commercially rented property, with a liability policy of at least \$1,000,000. The Township shall determine the insurance is in place before issuing a certificate of compliance. The rental unit owner shall advise the Township before there is any lapse in the insurance coverage, or immediately thereafter.

(h) Any campfires on the real property hosting the rental unit shall be maintained in designated fire pits and shall comply with the applicable fire code and all applicable township ordinances. Charcoal burners and other open burning cooking devices, including liquefied petroleum gas cooking devices with containers having a water capacity greater than 2.5 pounds, shall not be operated within 10 feet of flammable/combustible materials.

(i) Occupants shall not create a nuisance, including but not limited to the following:

- (1) any activity that violates the township's noise ordinance requirements;
- (2) any outside noise that is audible at the boundary of the real property hosting the rental unit between 10:00 p.m. and 7 a.m. Sunday through Thursday, and between 11 p.m. and 7:00 a.m. Friday and Saturday; and
- (3) any activity that violates any fireworks regulations established by the township.

(j) Every rental unit shall be maintained in a clean, sanitary, and liveable condition.

(k) Every rental unit shall have its street address prominently displayed to assist any emergency responders to the rental unit. The address numbers shall be visible from the accessing road, at least four inches tall, with contrasting colors or on a green address sign.

(l) Fire safety plans shall be posted on each floor level of every rental unit adjacent to the main egress travel path and shall include the following information:

- (1) The procedure for reporting a fire or other emergency. (*ie: Call 911, there is a fire at 123 Main St. or there is a medical emergency at 123 Main St.*);
- (2) Current address and location of the rental unit;
- (3) Floor plans identifying the locations of the following:
 - (i) Exits;
 - (ii) Primary evacuation routes;
 - (iii) Secondary evacuation routes;
 - (iv) Portable fire extinguishers; and
- (4) Identification and assignment of personnel responsible for emergency contact and maintenance of the rental unit (*i.e. the responsible local agent*).

Sec. 10-53. Inspections.

All rental units must pass inspection by the fire department serving the township prior to an issuance of the certificate of compliance. The inspection shall determine whether the rental unit is in compliance with all applicable township, county, state, and federal ordinances, regulations, and laws.

PROOF O.K. BY: _____ O.K. WITH CORRECTIONS BY: _____
PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

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