

At a regular meeting of the Lincoln Charter Township Board of Trustees held on July 11, 2006, at the Municipal Building, 2055 W. John Beers Road, Stevensville, Stauffer moved, seconded by Pscholka, to introduce for its first reading Ordinance No. 06-03, Rental Registration and Inspection Ordinance. Yeas: 7, Nays: 0.

**TOWNSHIP BOARD
LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO.: 06-_____**

Boardmember _____, supported by Boardmember _____,

moved the adoption of the following Ordinance:

**AN ORDINANCE TO AMEND THE COMPILATION OF ORDINANCES
OF LINCOLN CHARTER TOWNSHIP TO ADD A NEW PART 200
RENTAL REGISTRATION AND INSPECTION ORDINANCE**

THE CHARTER TOWNSHIP OF LINCOLN ORDAINS:

Section 1. Amendment. The Compilation of Ordinances of Lincoln Charter Township is hereby amended to add the following new Part 200:

200.000 Rental Registration and Inspection Ordinance
Ordinance No. _____
Adopted: _____, 2006

200.001 Definitions.

Sec. 1. 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:

Housing Code Official means a person or people designated by the Township Housing Code Official to enforce this ordinance.

Landlord means any person who owns or controls a rental unit and rents such unit, either personally or through a designated agent, to any person.

Owner means the legal titleholder of a rental unit or the premises within which the rental unit is situated.

Rental unit means any residential dwelling which is in whole or in part occupied by one or more persons pursuant to an oral or written agreement for monetary and any other consideration, but who are not acquiring an ownership interest in the dwelling. The shell includes single family, two family and multiple-family dwellings, and rooming or boarding houses. The term "*rental unit*" shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts and shall not include dwellings that are occupied only by members of the owner's immediate family.

Responsible local agent means a person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his place of residence in the county and designated by the property owner as responsible for operating such property 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 of record.

200.002 Fees.

Sec. 2. Fees for registration of rental units, inspections and certificates of compliance shall be as established by resolution of the Township Board.

200.003 Registration.

Sec. 3. No property 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 the purpose of making 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 or she is responsible.

200.004 Registration Term and Renewal Of Existing Rental Units.

Sec. 4. Property owners shall register any and all rental units within the Township and shall designate the owner or a responsible local agent. Such registration shall be effective for one year, and it shall be the responsibility of the property owners to re-register such rental unit on the first day of the month immediately following the expiration of the registration for each rental unit. Upon registration, a certificate of compliance shall then be obtained pursuant to Section 9 hereof prior to permitting occupancy of any new rental unit.

200.005 Change in Registration Information.

Sec. 5. The property owner of a rental unit registered with the Township shall re-register within sixty (60) days after any change occurs in registration information. A new owner of a registered rental unit shall re-register the rental unit as provided in this Ordinance.

200.006 Re-Registration.

Sec. 6. A property owner shall re-register prior to expiration of a certificate of compliance.

200.007 Application for Registration.

Sec. 7. 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 Housing Code Official 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 units;
- (3) The name, address and telephone number of the person authorized to collect rent from the individuals occupying the rental units;
- (4) The name, local address and telephone number of the owner or responsible local agent;
- (5) The number of rental units in each building;
- (6) If a responsible local agent is identified, the authorization appointing the responsible local agent signed by both the owner and the responsible local agent; and
- (7) The name, business address and phone number of each bank, lender or any other person if any exists, which holds a lien on the rental unit or the real property on which the rental unit is located.

200.008 Inaccurate or Incomplete Registration Information.

Sec. 8. It shall be a violation of this Ordinance for a property owner or a responsible local agent to provide inaccurate information for the registration of rental units or to fail to provide information required by the Township for such 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 (1) natural person has an ownership interest, the required information shall be provided for each such owner.

200.009 Certificate of Compliance.

Sec. 9. No person shall own, operate, lease, rent or occupy a rental unit unless there is a valid certificate of compliance issued by the Housing Code Official, which certificate of compliance shall be issued in the name of the operator and issued for the specific rental unit. The certificate 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 building department; and
- (2) Inspection by the Housing Code Official demonstrating compliance with the International Property Maintenance Code and all other applicable laws and regulations.

200.010 Biennial Inspections.

Sec. 10. Subsequent to the registration of all rental units as required in Section 3, the Housing Code Official shall commence an inspection of all rental units. During the calendar year, the Housing Code Official 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 (2) years. During the following calendar year, the Housing Code Official shall inspect the remaining half (1/2) 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 Housing Code Official 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 (2) years. The Housing Code Official shall thereafter alternate inspection biennially. The biennial inspection shall not, however, eliminate the registered owner's responsibility to register such units on an annual basis.

200.011 Temporary Certificates.

Sec. 11. Temporary certificates of compliance may be issued without prior inspection to owners of occupied rental units existing as of March 1, 2006. Such certificates may be issued as of the effective date of the initial registration following March 1, 2006, to allow property owners to operate such rental units until such time as an inspection may be made by the Housing Code Official. At such time as an inspection is made by the Housing Code Official and a determination has been made that compliance with the provisions of this Ordinance have been secured, the temporary certificate shall expire.

200.012 Prerequisites for Issuance.

Sec. 12. The Housing Code Official 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 in Section 10 has determined that compliance has been

secured with the minimum standards and other provisions of the Ordinances adopted by the Township.

200.013 Inspections.

Sec. 13. 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.

200.014 Posting.

Sec. 14. 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:

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

200.015 Revocation.

Sec. 15. If the Housing Code Official shall discover the failure of any property 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.

200.016. Appeal of Denial of Registration or Revocation.

Sec. 16. Any property owner whose rental unit registration has been denied or whose certificate of compliance has been revoked may file an appeal to the Township Construction Board of Appeals. The Township shall determine and may by resolution change from time to time, the fee for such an appeal.

200.017. Vacation upon Revocation.

Sec. 17.

(a) Upon revocation of a certificate of compliance and a determination by the board of appeals that a rental unit is unfit for human habitation, the owner or operator of the unit shall immediately vacate the unit; and no person shall thereafter occupy the unit for sleeping or living purposes until such unit complies with this Ordinance.

(b) 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; but the certificate of compliance shall be deemed expired and the rental unit shall be in violation of the terms of this Ordinance.

200.018 Expiration.

Sec. 18. 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 (60) days after such expiration date, it shall be unlawful for the rental unit in question to be occupied unless a new certificate of compliance has been issued.

200.019 Notification of Expired Certificate.

Sec. 19. Sixty (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 each unit. The notice shall state that:

- (1) The dwelling does not have a valid certificate of compliance;
- (2) It is unlawful for any vacant unit to be reoccupied or rented; and
- (3) A placard containing this information will be posted on the dwelling and may not be removed until a new certificate of compliance is issued.

200.020 Renewal.

Sec. 20. At least thirty (30) days prior to the expiration of a certificate of compliance, the Township shall notify the registered owner to re-register the rental unit and to arrange for a compliance inspection. The property owner shall be responsible for re-registering 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 one (1) year 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.

200.021 Certificate of compliance not required.

Sec. 21. 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 not-for-profit agencies which are inspected, certified and/or licensed by other governmental agencies.

200.022 Inspections.

Sec. 22. 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, re-registration 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 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.

200.023 Complaint-Initiated Inspections.

Sec. 23. 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.

200.024 Reinspection.

Sec. 24. 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.

200.025 Transfer of Ownership Inspection.

Sec. 25.

- (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 Housing Code Official 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 Housing Code Official. If violations of this Code 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 subsection (1) or (2) of this section, the certificate of compliance and rental unit registration shall be deemed to expire within sixty (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 where violations are found during the final inspection, the rental unit registration shall become invalid. Any new owner shall register within ten (10) days of the date of transfer of any rental unit. Every person holding such registration shall notify the Housing Code Official 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 owner-occupied rental unit, shall be notified of any transfer of ownership.

200.026 Remedies.

Sec. 26. The Township may seek injunctive relief to compel compliance with this ordinance.

Section 2. Effective Date. This Ordinance shall be effective thirty (30) days after its publication, or a publication of a summary thereof, in a newspaper of general circulation in the Township.

Section 3. Publication. After its adoption, this Ordinance or a summary thereof, as required by law, shall be published by the Township Clerk in a newspaper of general circulation in the Township.

Approved this _____ day of _____, 2006.

YEAS: Boardmembers _____

NAYS: Boardmembers _____

ABSTAIN: Boardmembers _____

ABSENT: Boardmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2006

Richard Stauffer, Supervisor

Sharon E. Geisler, Clerk

CERTIFICATION

I, the undersigned Clerk of Lincoln Charter Township, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Township Board of Trustees held on _____, 2006, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in *The Herald-Palladium* on _____, 2006, or as otherwise provided by law as follows _____. I further certify that the above Ordinance was entered into the Ordinance Book of the Township on _____, 2006, and was effective _____, 2006, thirty (30) days following the date of its publication.

Dated: _____, 2006

Sharon E. Geisler, Clerk