

ALLENDALE CHARTER TOWNSHIP

ORDINANCE NO. 2016-16

RENTAL HOUSING REGISTRATION ORDINANCE RESTATEMENT

AN ORDINANCE to restate Ordinance No. 2004-15, which provides for the registration and regulation of rental housing located within the Township; to allow inspections; to provide penalties for violation; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN ORDAINS:

Section 1. Restatement of Ordinance No. 2004-15. Ordinance No. 2004-15 shall be restated in its entirety as follows.

Section 1. Purpose and Intent.

The Charter Township of Allendale recognizes the need for an organized inspection and registration program for residential rental units located within the Township in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both rental unit owners to correct violations and maintain, in proper condition, rental units within the Township. The Township recognizes that the most efficient system is the creation of a program requiring the registration and inspection of residential rental units within the Township as defined in this Ordinance, so that orderly inspection schedules can be made by Township officials.

Section 2. Definitions.

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) ***“Dwelling”*** means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (b) ***“Owner”*** means the legal title holder of a Rental Unit or the Premises. An Owner may designate an agent to perform duties or receive notices under this article.
- (c) ***“Premises”*** means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes Dwellings.

- (d) **“Rental Unit”** means any Dwelling, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is offered for rent.
- (e) **“Tenant”** means any individual who has the temporary use and occupancy of a Rental Unit.
- (e) **“Township”** means the municipality or any individual who has been designated by the Township Board to accomplish the indicated provisions on the Township’s behalf.

Section 3. Registration and Certificates of Compliance.

- (a) No Owner shall lease a Dwelling within the Township as a Rental Unit without first registering the Rental Unit. Registration shall require the following.
 - (1) Completing an application form available from the Township.
 - (2) An inspection completed to the satisfaction of the Township.
 - (3) Payment of all fees charged for the registration and inspection of the Rental Unit.
 - (4) A document which states the number of occupants living in the Rental Unit if requested.
 - (5) Identification of a designated agent, if other than the Owner, who shall be available to be physically present at the Rental Unit within one hour in the event of an emergency. This person’s identity and contact information shall also be made available to the Tenant.
- (b) Following proper registration, the Township shall issue a certificate of compliance.
 - (1) A certificate of compliance shall be effective for up to four years. An Owner shall re-register the Rental Unit at least 30 days prior to the current certificate’s expiration.
 - (2) If an inspection cannot be completed within 15 days from the date the Township accepted a completed application, a temporary certificate shall be issued for a reasonable period of time until the inspection can take place.

- (c) A new Owner of a Rental Unit must notify the Township of the change in ownership within 60 days of the change. The new Owner will not have to pay a new registration fee until or less the current registration expires.

Section 4. Inspections.

Rental Units governed by this Ordinance shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Township and in accordance with State law.

- (a) All Rental Units shall be inspected by the Township.
 - (1) Inspections shall occur at least every four years. Inspections may occur more often if necessary as determined by the Township.
 - (2) If a complaint is filed by a Tenant of the Rental Unit, the Rental Unit shall be inspected.
 - (3) An inspection may also occur based on a complaint received by a member of the Township Community Policing Officers, a member of the Ottawa County Sheriff's Department, a member of the Township, or a member of the Allendale Fire Department.
 - (4) Inspections shall occur with permission as required by law. If permission cannot be obtained, a court order may be sought.
 - (5) Inspections shall be performed in any manner consistent with State law.
- (b) Inspection Procedures.
 - (1) Once the Township has determined that a Rental Unit is in compliance with all of the ordinances adopted by the Township and in accordance with State law, the inspection required for issuance of a certificate of compliance shall be satisfied.
 - (2) An inspection shall be valid for a period of up to four years from the date the certificate of compliance is issued, unless there is a sufficient basis for re-inspection, pursuant to this Ordinance, or if the certificate of compliance is revoked by the Township for noncompliance.
 - (3) If, upon completion of an inspection, the Premises are found to be in violation of an applicable Township or State regulation, the Township shall provide the Owner with written notice of such violations. The Township shall set a re-inspection date before which

such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall be satisfied. If such violations have not been corrected within that period, the Township shall not issue the certificate of compliance and may take any legal action necessary to enforce compliance with applicable Township ordinances and State law.

- (4) If there is a complaint filed regarding a Rental Unit with the Township, the Owner will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the Township or Allendale Township Community Policing Officers, it will require immediate compliance with this Ordinance. If the complaint is not of an emergency nature, the Owner will have 14 days to correct such violation, after which a re-inspection or written verification from Owner that the violation has been corrected will be required.
 - (5) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the Owner.
 - (6) Where a re-inspection must be made to ensure conformity with this Ordinance, the Township may charge a separate inspection fee for every inspection when the violation has not been abated or corrected.
 - (7) If an inspection is scheduled and the Owner fails to appear, an inspection fee shall be assessed against the Owner, and no inspection shall be completed until the inspection fee is paid in full.
 - (8) If there is a complaint indicating a violation of a Rental Unit's occupancy limit, the Owner or Tenants shall provide the Township with any documentation and information in relation to the alleged violation upon request.
- (c) Transfer of Ownership Inspections.
- (1) When there is a transfer of ownership of any Rental Unit and a current certificate of compliance exists for the Rental Unit, then the Township shall waive the inspection.
 - (2) When there is a transfer of ownership of any Rental Unit for which a current certificate of compliance does not exist, then the Township shall conduct an inspection within 30 days following the notification of the transfer of ownership.

- (3) If ownership of any Rental Unit is transferred in violation of the requirements of this Ordinance, or if the new Owner fails to re-register a Rental Unit, the certificate of compliance and registration shall be deemed to expire within 60 days of the transfer unless appropriate steps are taken to obtain proper registration and a certificate of compliance.

Section 5. Fees.

The Township Board shall establish by resolution an appropriate fee for registration and inspections.

Section 6. Maintenance of Records.

All records, files and documents pertaining to the registration and inspection of Rental Units shall be maintained by the Township and made available to the public as allowed or required by State law.

Section 7. Penalty.

Any person who violates this Ordinance shall be responsible for a municipal civil infraction, subject to the procedures and sanctions contained in Ordinance No. 1995-1. Increased civil fines may be imposed for repeated violations, which 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, as provided in Ordinance No. 1995-1.

Section 8. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby 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 thereby. 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. Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 10. Administrative Liability.

No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 11. Effective Date.

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on November 14, 2016, after introduction and a first reading on October 24, 2016 and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on November 27, 2016, in *The Ottawa Advance*, a newspaper having general circulation in the Township.

Jerry Alkema, Township Supervisor

Laurie Richards, Township Clerk

CERTIFICATE

We, Jerry Alkema, and Laurie Richards, the Supervisor and the Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township Rental Housing Registration Ordinance Restatement was adopted at a Regular meeting of the Allendale Charter Township Board held on November 14__, 2016. The following members of the Township Board were present at the meeting: Alkema, Door, Modderman, Hoekstra, Murphy and Richards. The following members of the Township Board were absent: Zeinstra. The Ordinance Restatement was adopted by the Township Board with member of the Board: Alkema, Door, Modderman, Hoekstra, Murphy, Richards voting in favor and members of the Board: none voting in opposition. The Ordinance Restatement was published in the Advance Newspaper on November 27, 2016.

Jerry Alkema, Supervisor

Laurie Richards, Clerk