

ALLENDALE CHARTER TOWNSHIP

ORDINANCE NO. 2017 - 4

RENTAL HOUSING REGISTRATION ORDINANCE RESTATEMENT

AN ORDINANCE to restate Ordinance No. 2016-16, which provides for the registration and regulation of rental housing located within the Charter Township of Allendale; to allow inspections; to provide penalties for violations; 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. 2016-16. Ordinance No. 2016-16 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 applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling Owners to correct violations and properly maintain Rental Units within the Township. The Township recognizes that the most efficient way to regulate Rental Units is to create a program requiring the registration and inspection of residential Rental Units by ordinance.

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 any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more persons.
- (b) ***“Owner”*** means any person(s), company, or entity that has deed to a Rental Unit or Premises, as last recorded with the Ottawa County Registrar of Deeds Office. An Owner may designate an agent to perform duties or receive notices under this Ordinance.
- (c) ***“Premises”*** means a lot, plot or parcel of land, including the buildings or structures thereon, which also may include 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 is temporarily using or occupying a Rental Unit.
- (e) **“Township”** means the Charter Township of Allendale, acting through its Board of Trustees, or any department or individual who has been designated by the Board of Trustees to accomplish the indicated provisions on the Township’s behalf, which may be established by resolution.

Section 3. Registration and Certificates of Compliance.

No Owner shall lease a Dwelling within the Township as a Rental Unit without registering the Rental Unit and obtaining a valid certificate of compliance.

- (a) Registration shall include the following.
 - (1) Completion of an application form available from the Township;
 - (2) A scheduled inspection of the Rental Unit;
 - (3) Payment of all fees charged for the registration and inspection of the Rental Unit; and
 - (4) 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 and an inspection completed to the Township’s satisfaction, the Township shall issue a certificate of compliance.
 - (1) A certificate of compliance shall be effective for up to one year.
 - (2) An Owner shall apply for a new certificate of compliance for the Rental Unit at least 30 days prior to the current certificate of compliance’s expiration. If the Owner fails to obtain a new certificate of compliance for the Rental Unit before the current certificate of compliance expires, the Rental Unit will need to be re-inspected before a new certificate of compliance can be issued.
 - (3) If an inspection cannot be completed within 15 days from the date the Township processed the Rental Unit’s registration, a temporary

certificate of compliance shall be issued for a reasonable period of time until the inspection can take place.

- (4) An Owner may not rent a Rental Unit without maintaining a valid certificate of compliance at all times for the Dwelling.
- (c) A new Owner of a Rental Unit must notify the Township of the change in ownership within 60 days of the change. If after 60 days the new Owner has not notified the Township of the change in ownership, the certificate of compliance shall become invalid. However, with said notice, the Township will not require a fee for a new certificate of compliance until the current certificate of compliance expires.

Section 4. Inspections.

Rental Units governed by this Ordinance shall be inspected and shall exist in compliance with Township ordinances and all applicable 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 unless there is adequate justification for the Township to determine that an inspection is unnecessary.
 - (3) An inspection may also occur based on a complaint received by a member of the Ottawa County Sheriff's Department, a member of the Township Board of Trustees, or a member of the Allendale Fire Department.
 - (4) Inspections shall occur with permission or as otherwise permitted by law. The Township may seek a court order if necessary to enter the Rental Unit or the surrounding Premises.
 - (5) Inspections shall be performed in any manner consistent with State law.
- (b) Inspection Procedures.
 - (1) An inspection shall be valid for a period of up to four years, 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 with this Ordinance.

- (2) If, upon completion of an inspection, the Rental Unit or surrounding Premises are found to be in violation of a Township ordinance or applicable State law, 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.
- (3) If a complaint is filed with the Township regarding a Rental Unit, the Owner will be notified in writing. An inspection will ensue if the Township believes such action is necessary. The Township may also choose to accept written verification that the violation has been corrected.
- (4) If an inspection is initiated by a complaint and no violation is found to exist, the Township shall waive the inspection fee.
- (5) Where a re-inspection must be made to ensure conformity with this Ordinance, the Township may charge a separate inspection fee for each subsequent inspection.
- (6) If an inspection is scheduled and the Owner fails to appear, an inspection fee shall be assessed against the Owner, and any subsequent inspections shall not be scheduled until the applicable fees are paid in full.
- (7) The Owner or Tenants shall provide any information as requested by the Township to assist with the investigation of a potential violation of this Ordinance.

(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 until the next regularly scheduled inspection.

(d) Tiered Rental Inspection Frequency

The Township shall utilize a tiered inspection program in order to properly inspect Rental Units. This will enable the Township to aggressively address Rental Units that are frequently in violation of the Township's ordinances or applicable State law. All Rental Units will fall within one of the following tiers.

- (1) Tier 1: A Rental Unit that meets the following criteria will be inspected every four years.

- i. The previous inspection found fewer than five violations;
 - ii. The existing violations were repaired and the Rental Unit passed the Township's first re-inspection;
 - iii. No valid complaints were filed against the Rental Unit;
 - iv. All fees have been paid; and
 - v. The Rental Unit and the surrounding Premises meet all requirements of the Township ordinances and applicable State law.
- (2) Tier 2: A Rental Unit that does not meet the requirements of subsection (1) shall be inspected every two years.

Section 5. Fees.

The Township Board shall establish by resolution the appropriate fees 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.

- (a) 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, such as 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.
- (b) Repeated inspection failures may also result in a penalty. If a violation requires a second re-inspection, at which point it is determined that the violation has still not been correct, the Owner shall be responsible for a municipal civil infraction, as provided in Ordinance No. 1995-1. Each additionally required inspection, at which point it is determined that the violation has still not been corrected, will result in repeat offenses pursuant to 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 March 13, 2017, after introduction and a first reading on February 27, 2017 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 March 26, 2017, in *The Ottawa Advance*, a newspaper having general circulation in the Township.

Adam Elenbaas, Township Supervisor

Laurie Richards, Township Clerk

CERTIFICATE

We, Adam Elenbaas, 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 March 13, 2017. The following members of the Township Board were present at the meeting: Elenbaas, Richards, Kraker, Hoekstra, VanderVeen and Zeinstra. The following members of the Township Board were absent: VanderWall. The Ordinance Restatement was adopted by the Township Board with member of the Board Elenbaas, Richards, Kraker, Hoekstra, VanderVeen, Zeinstra voting in favor and members of the Board _____ voting in opposition. The Ordinance Restatement was published in the Ottawa Advance on March 26, 2017.

Adam Elenbaas, Supervisor

Laurie Richards, Clerk