

COLOMA CHARTER TOWNSHIP

BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 86

(RENTAL REGISTRATION AND INSPECTION)

ADOPTED: _____

**EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to protect and secure the public health, safety and general welfare by regulating and controlling the condition of rental units within the Charter Township of Coloma; to establish regulations to establish inspections; to establish standards for rental property maintenance; to provide sanctions for violation of the provisions of this Ordinance and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF COLOMA

BERRIEN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Coloma Charter Township Rental Registration and Inspection Ordinance

SECTION II

PURPOSE

The purpose of this Ordinance shall be to provide for the inspection of rental units within Coloma Charter Township to ensure that all existing rental structures and future rental structures shall meet minimum requirements and standards for occupancy to provide for the safe and sanitary maintenance of said properties.

SECTION III.
DEFINITIONS

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

Additional inspection shall mean all inspections after the second inspection of a rental dwelling during the process of obtaining a certificate.

Agent shall mean agent manager, or other individual or entity representing the owner of a rental dwelling or unit, and who may serve as a point of contact on rental inspections under this ordinance.

Broken inspection appointment shall mean failure of the owner or agent to notify Township at least one (1) working day in advance that the owner or agent will be unable to keep a scheduled inspection appointment.

Certificate shall mean rental occupancy certificate or provisional rental occupancy certificate.

Township shall mean the office of the chief building official, or such other office or individual as may be designated by the Township Board to administer all or any part of the inspection program under this section.

Property Maintenance Code shall mean the International Property Maintenance Code, as adopted under the Michigan Building Code and the Michigan Residential Code and enforced by Coloma Charter Township pursuant to statute and Township ordinance. All definitions contained in the Property Maintenance Code shall be applicable to this Ordinance.

Follow-up inspection shall mean the second inspection of a rental dwelling during the process of obtaining a certificate.

Immediate family shall mean spouses, children, step-children, brothers and sisters, half brothers and half sisters, parents and stepparents, grandparents, and grandchildren.

Initial inspection shall mean the first inspection of a rental dwelling during the process of obtaining a certificate.

Owner shall mean a person or other entity who/which owns the physical premises occupied by the rental unit.

Provisional rental occupancy certificate shall mean a rental occupancy certificate indicating that the rental dwelling or unit identified thereon is substantially but not entirely in compliance with the Property Maintenance Code and there are no imminent life, health, or safety threatening violations. The provisional rental occupancy certificate shall identify any violations that must be corrected and state the date on which the provisional occupancy certificate shall expire if said violations are not corrected.

Rental dwelling shall mean any dwelling which is in whole or in part occupied by person(s) pursuant to an oral written agreement for monetary or in-kind compensation but who are not acquiring an ownership interest in the house. These shall include single-family dwellings, two-family dwellings, multiple-family houses, or other rooming or boarding houses. "Rental dwellings" shall also include transient dwelling structures such as hotels, motels, or bed-and-breakfasts. A "rental dwelling" shall not include dwellings that are occupied only by persons of the owner's immediate family.

Rental occupancy certificate shall mean a document issued by the Township indicating that the rental dwelling or unit identified thereon is in compliance with the Property Maintenance Code. The owners of the property, the address of property, and the expiration date shall be shown on the certificate. A rental occupancy certificate shall be valid for three (3) years from the date of the issuance of the rental occupancy certificate.

Rental unit shall mean a rental dwelling or any part of a rental dwelling which is occupied by person(s) pursuant to an oral or written agreement for monetary or in-kind compensation but who are not acquiring an ownership interest in the property and who are not members of the owner's immediate family.

Tenant shall mean any person, other than a legal or equitable titleholder or immediate family member, occupying or possessing a dwelling or part thereof.

SECTION IV
REGISTRATION

- A. Every owner of rental dwelling or rental unit shall register these units with the Township prior to March 31, and thereafter, within ten (10) business days after the date of acquiring control of a previously registered rental unit. A newly constructed or converted rental dwelling or unit shall be registered with the Township and a rental occupancy certificate obtained before that rental dwelling or unit is occupied. There will be no cost to register and obtain an occupancy certificate for a newly constructed rental dwelling unit.
- B. To register a rental dwelling or rental unit the owner shall
- (1) Truthfully provide the following information on a form provided by the Township:
- a) Name, address, and telephone number of the owner and the same information for any agent, lessor, or other person representing the property owner and registering the rental dwelling.
 - b) The street address of the rental dwelling, along with other identification if more than one (1) rental dwelling has the same street address.
 - c) The number of rental units in the rental dwelling.
 - d) The number of bedrooms in each rental unit in the rental dwelling.
 - e) Hours that the owner or agent are usually available to admit and accompany Township inspectors on a building inspection.
 - f) Such other information as is reasonably required by the Township.

(2) Pay an Inspection fee in such amount as shall be established by the Coloma Charter Township Board pursuant to Section VIII of this Ordinance.

C. Each owner shall be required to notify the Township within thirty (30) days in the event of a change in the information required on the registration form.

SECTION V
RENTAL OCCUPANCY CERTIFICATE

A. No rental dwelling shall be occupied that does not have a valid rental occupancy certificate or provisional rental occupancy certificate, except as described in subsection B.

B. A certificate shall not be required of rental dwellings existing as of the effective date of this Ordinance which have timely registered but have not yet received an initial inspection. This subsection shall cease to be effective as of June 30, 2007, at which time all rental dwellings must have a valid certificate. The subsection is intended to allow a "phase-in" period for initial inspections under this section.

C. No certificate shall be issued until a rental inspection fee has been paid for each inspection of the rental dwelling and for any broken inspection appointment. The amount(s) of the rental inspection fee shall be established by the Coloma Charter Township Board pursuant to Section VIII of this Ordinance. In setting such a fee schedule, the Township Board shall have authority to set different fee levels based on whether the inspection is an initial inspection, follow-up inspection, additional inspection or broken inspection appointment as defined in this Ordinance.

D. The owner or agent shall, upon request by any tenant or prospective tenant, allow the inspection of the certificate by the tenant or prospective tenant.

E. A valid certificate shall be transferable when the owner of a rental dwelling changes. The new owner is still required to re-register the rental dwelling under Section IV of this Ordinance.

- F. A rental occupancy permit shall expire three (3) years from the date of its issuance.

SECTION VI
INSPECTIONS

- A. Before issuing a provisional rental occupancy certificate or rental occupancy certificate the Township shall inspect the rental unit.
- B. The Township shall schedule inspections of all rental dwellings for the purpose of determining compliance with the Property Maintenance Code. The Township shall contact the owner or agent of each property to arrange an inspection at a mutually convenient time during regular Township business hours, but not more than thirty (30) days from the date of the first notification to the owner or agent that an inspection is desired. In the case of a property with a valid rental occupancy certificate, the owner or agent will be contacted in a timely fashion such that an inspection will take place before the expiration of the current rental occupancy certificate.
- C. After completion of an inspection for the dwelling(s), if the dwelling(s) is not in compliance with the Property Maintenance Code and this Ordinance, the applicant shall be furnished with a written list of specific violations that shall be corrected before a rental occupancy certificate is issued. A provisional rental occupancy certificate may be issued if the rental dwelling or unit identified thereon is substantially but not entirely in compliance with the Property Maintenance Code and there are no imminent life, health, or safety threatening violations.
- D. Nothing under this section shall restrict the Township from scheduling additional inspections such as when a complaint is filed or the Township otherwise has reasonable suspicion to believe the dwelling is in violation of the Property Maintenance Code, or from revoking a rental occupancy certificate in the event that such an inspection reveals such violation.
- E. A property owner may request a rental inspection prior to the expiration of the current occupancy certificate. The standard inspection fee will apply.

SECTION VII
APPEALS

- A. Appeals of administrative actions taken with respect to the Property Maintenance Code may be made to the Coloma Charter Township Construction Board of Appeals in accordance with the provisions of the Coloma Charter Township Construction Code Ordinance (Ordinance No. 59).

- B. Any party wishing to take an appeal shall first pay an appeal fee in such amount as shall be established by the Coloma Charter Township Board pursuant to Section VIII of this Ordinance.

- C. An appeal to the Construction Board of Appeals shall act as a stay upon order, determination, decision or action appealed from, unless the office charged with responsibility for enforcing this Ordinance establishes that immediate enforcement of the order, determination, decision or action is necessary to avoid substantial peril to life or property.

SECTION VIII
FEES

The Township Board of Coloma Charter Township hereby given the authority to establish by resolution at any public meeting a schedule of fees for the administrating of this Ordinance, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity.

SECTION IX
SANCTIONS

Any violation of this ordinance shall be deemed a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum</u> <u>Fine</u>	<u>Maximum</u> <u>Fine</u>
1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
2 nd Offense within 3-year period*	\$ 150.00	\$ 500.00
3 rd Offense within 3-year period*	\$ 325.00	\$ 500.00
4 th or More Offense Within 3-year period*	\$ 500.00	\$ 500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Coloma Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$75 nor more that \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day beyond written notice that a violation exists shall constitute a separate offense. Any inspection after the first, and follow up inspection shall be considered an offense. In addition costs can be placed on tax roll in the amounts stated above.

SECTION X
ADMINISTRATIVE LIABILITY

No Township officer, agent, appointee, contractor, employee, or member of the Township Board, shall be personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

SECTION XI
SEVERABILITY

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses hereof 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 this ordinance shall not be affected thereby.

SECTION XII
REPEAL

All Ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

SECTION XIII
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following the publication after adoption.

Sandy Kraemer, Clerk
Charter Township of Coloma

**RESOLUTION #
CHARTER TOWNSHIP OF COLOMA
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**Resolution for Establishing Schedule of
Fees for Rental Ordinance**

WHEREAS, the Twp. of Coloma Board has adopted the Charter Township of Coloma Rental Registration and Inspection Ordinance; and

WHEREAS, this Ordinance provides that the Charter Township of Coloma Board shall have authority to establish by Resolution a schedule of fees for the administering of the Ordinance; and

WHEREAS, the Charter Township of Coloma Board deems it appropriate to exercise this authority by the adoption of the within Resolution.

NOW, THEREFORE, BE IT RESOLVED that the following fees are hereby established for the administration of the Charter Township of Coloma Rental Registration and Inspection Ordinance:

A.	Registration Fee:	\$0*
B.	Initial Inspection Fee:	\$30.00 per rental unit**
C.	Follow-up Inspection Fee:	\$0*
D.	Additional Inspection Fee:	\$30.00 per rental unit
E.	Broken Inspection Appointment Fee:	\$30.00 per rental unit
F.	Fee for Appeal to Construction Board of Appeals:	\$250.00 per member
G.	1 st Offense within 3 yrs.	\$75.00 min. 500.00 max.
H.	2 nd Offense within 3 yrs.	\$150.00 min. 500.00 max.
I.	3 rd Offense within 3 yrs.	\$325.00 min. 500.00 max.
J.	4 th Offense within 3 yrs.	\$500.00 min. 500.00 max.

*Pursuant to Sec. IX of the Ordinance this will be the new fee schedule.

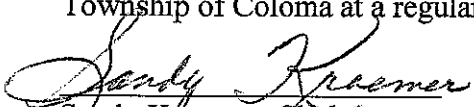
Moved by Board Member JAMES FULTON to approve this Resolution.

AYES: 5

Nays: 0

Absent: 2

I hereby certify that the foregoing is a true and complete Resolution offered and adopted by the Charter Township of Coloma at a regular meeting held on MAY 14, 2014.


Sandy Kraemer, Clerk