

ORDINANCE NO. \_\_\_\_\_ OF 2015

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY REGULATING THE CONDITION OF RENTAL HOUSING UNITS WITHIN BEDFORD CHARTER TOWNSHIP; PROVIDING FOR THE REGISTRATION AND INSPECTION OF RENTAL DWELLINGS; PROVIDING CIVIL SANCTIONS AND REMEDIES FOR VIOLATION OF THIS ORDINANCE; AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CHARTER TOWNSHIP OF BEDFORD, CALHOUN COUNTY, MICHIGAN, ORDAINS:

**SECTION 1.** **Title.** This Ordinance shall be known as “The Bedford Charter Township Rental Property Ordinance.”

**SECTION 2.** **Definitions.** For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**Code Compliance Officer** shall mean the code compliance officer of the Charter Township of Bedford and his/her designees.

**Conditional Sale** shall mean the sale of a dwelling under a lease with option to purchase agreement or any other like form of conditional sales agreement.

**Dwelling** shall mean any structure, yard or part thereof used for residential purposes, whether occupied or not. The terms and definitions of “dwelling unit”, “dwelling, multiple-family”, “dwelling, one family”, “dwelling, two family”, as set forth in the Bedford Charter Township Zoning Ordinance are incorporated herein by reference. Additionally, the term “dwelling” shall, for purposes of this Ordinance, be deemed to include a mobile home.

**Person** shall mean any individual, corporation, partnership, limited liability company, or other legal entity.

**Rental Dwelling** shall mean a dwelling, containing one more rental housing units. An apartment complex consisting of one or more buildings under common ownership and on the same parcel of land shall be considered one rental dwelling for purposes of this Ordinance.

**Rental Unit** A single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in exchange for consideration paid for the right to reside therein.

**Responsible Person** shall mean the person, as identified by the owner at the time of registration, who is responsible for correcting all major or minor violation(s), or both, of the rental property in question.

**Township** shall mean the Charter Township of Bedford.

**State** shall mean the State of Michigan.

**SECTION 3.** **Registration Required.** All rental dwellings and rental units, as defined by this Ordinance, which are leased or otherwise made available for rental purposes,

shall be registered by the owner with the Bedford Charter Township Building & Zoning Administrator. Following initial registration, the Township will arrange for inspection of the premises and, upon a successful inspection and payment of any and all fees, will issue a rental certificate of compliance. After passing an inspection and receiving a rental certificate of compliance which certifies that the rented space is in compliance with applicable codes, the property shall be kept in compliance as a property with a valid certification.

The occupancy of any dwelling under a lease with option to purchase agreement or other like form of conditional sales agreement shall likewise require that the owner register the property with the Bedford Township Building & Zoning Administrator if legal or equitable ownership is not transferred by valid deed or land contract to the occupant within ninety days of execution of the conditional sales agreement. Proof of the transfer of ownership shall be established by copy of a deed, land contract, or memorandum of land contract, which has been recorded with the Calhoun County Buildign & Zoning Administrator/Register of Deeds, or filed with the Township Assessor.

**SECTION 4. Time Periods for Registration.** Time periods for registration are as follows:

- (1) All rental dwellings and units shall be registered within 30 days of occupancy by a tenant;
- (2) All newly constructed or newly converted rental dwellings and units shall be registered within 30 days of the issuance of a certificate of occupancy by the township;
- (3) A rental dwelling or unit, which is sold, transferred or conveyed, shall be reregistered by the new owner within 30 days of the date of the deed, land contract, lease with option to purchase or other instrument of conveyance;
- (4) All existing non-rental dwellings, which are converted to rental units without issuance of a certificate of occupancy, shall be registered within 30 days from the date on which the property is first occupied for rental purposes; and
- (5) Registration shall be submitted annually on a form provided by the township on or before February 15<sup>th</sup>.

**SECTION 5. Information Required.** The owner of a rental dwelling/unit shall submit the following information to the Township Building & Zoning Administrator on forms prescribed by the Township at the time of registration:

- (1) The address(es) of the rental unit(s);
- (2) The number of rental units within the structure;
- (3) The name, corporate name, residence address, business mailing address, business telephone, home telephone of the owner;
- (4) The name, residence address, business address and business telephone of the responsible party designated by the owner;
- (5) The date of registration of the rental unit, if previously registered;
- (6) The name of the person filing the registration; and
- (7) Any additional information relating to habitable rooms as required by applicable State codes and Township ordinances in order to make a determination of code compliance.

**SECTION 6. Registration Fees; Administrative Late Charge.** A registration fee as established by a resolution adopted by the Township Board shall be assessed to the owner of a rental dwelling/unit by the Township at the time of registration. An administrative late charge shall also be paid by the owner if registration of a dwelling/rental unit is not accomplished within the time periods described in Section 4. A violation of this Section shall be a civil infraction subject to the penalties as described under Section 14 of this Ordinance.

**SECTION 7. Incorrect and Outdated Registration Information.** An owner who fails to provide correct or current registration or outdated registration information shall be in violation of the provisions of this Ordinance.

**SECTION 8. Inspections.**

- a. The Township Code Compliance Officer or his/her designee shall inspect buildings and structures at the time of initial registration in order to secure the health, safety and welfare of the occupants and of the general public, and to obtain and maintain compliance with the standards of this Ordinance and any applicable building and property maintenance codes. The Code Compliance Officer or his/her designee may thereafter inspect residential units once a year without first receiving a complaint or without other cause.
- b. In addition, the Code Compliance Officer may inspect buildings and structures under any of the following circumstances:
  - (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this Ordinance;
  - (2) Upon receipt of a report or a referral from a police agency, other public agency or department, or any individual indicating that the premises are in violation of this Ordinance, which report or referral is based on the personal knowledge of the person making the report or referral;
  - (3) If an exterior survey of the premises gives the code compliance officer probable cause to believe that the premises are in violation of this Ordinance;
  - (4) Upon the code compliance officer's receipt of information that a rental unit is not registered with the township as required by this Ordinance;
  - (5) As part of the rental certification program as required;
  - (6) In order to determine compliance with a notice or a housing order issued by the township;
  - (7) If an emergency is observed or is reasonably believed to exist;
  - (8) In accordance with requirements of law where a dwelling is to be demolished by the township or where ownership is to be transferred to the township; or
  - (9) Upon the request of an owner of a rental unit for an advisory inspection. Such inspections shall be performed in accordance with the provisions of this section.
- c. Reasonable entry and access to rental dwellings and rental units shall be granted to building officials under this section as follows:
  - (1) The building official shall be authorized entry and access to a rental dwelling or rental unit at reasonable times to inspect to ensure compliance with the terms of this Ordinance.

- (i) If entry or access is not made available by the owner or responsible person, the building official is authorized to revoke the existing certificate of compliance, pursue administrative warrants or pursue other recourse as provided by law.
    - (ii) If entry or access is not made available by the tenant, the building official is authorized to pursue administrative warrants or pursue other recourse as provided by law.
  - (2) The owner or agent must accompany the building official and allow full entry and access to the rental dwelling and rental unit.
- d. During the inspection, which shall be conducted to substantiate compliance with applicable building and property maintenance codes, the Code Compliance Officer shall note any violations of this Ordinance or other provisions of this code and shall issue a housing order notice of all violations to the responsible person. The housing order shall direct the responsible person to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the Code Compliance Officer in light of the nature of the violations and all relevant circumstances, but shall not exceed 30 days. Upon request by the responsible person, the Code Compliance Officer may extend the time for correcting minor violations, if the Code Compliance Officer deems such action appropriate under all relevant circumstances.

A responsible person who receives a housing order notice pursuant to this Ordinance shall correct the identified violations within the time period set forth in the notice.

**SECTION 9. Inspections--Fees; Administrative Late Charge.** The Bedford Charter Township Board shall establish by resolution a schedule of inspection fees. The Township Board may amend by resolution the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the Township Board.

The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the code compliance officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant. A violation of this section shall be a civil infraction subject to penalties under Section 10-192 of this Ordinance.

If the Code Compliance Officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.

An administrative late charge shall be paid to the Township by the person obligated to pay an inspection fee if such fee is not paid within 30 days from the billing date. The amount of the administrative late fees shall be established by resolution of the Township Board. A violation of this section shall be a civil infraction subject to the penalties described under Section 14 of this Ordinance.

**SECTION 10. Rental Certificate of Compliance – Generally.** A property owner

shall not lease, rent, or otherwise allow a rental dwelling/unit to be occupied unless the Township Code Compliance Officer has issued a rental certificate of compliance or a temporary rental certificate of compliance for each such rental dwelling/unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date. A violation of this section shall be a civil infraction subject to the penalties under Section 14 of this Ordinance and shall be deemed a nuisance per se.

A property owner shall not lease, rent or otherwise allow a rental dwelling/unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such dwelling/unit has been denied, suspended, or has expired. A violation of this section shall be a civil infraction subject to the penalties under Sections 14 of this Ordinance and shall be deemed a nuisance per se.

A person shall not occupy a rental dwelling/unit if the code compliance officer orders that it be vacated due to major violations of this code. A violation of this section shall be a misdemeanor punishable by a fine not to exceed \$500.00, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment and shall be deemed a nuisance per se.

The property maintenance official shall issue a six-year rental certificate of compliance to the owner of a rental dwelling/unit which is determined to be in compliance with this code. Compliance shall mean the following:

- (1) There are no violations existing at the time of the most recent inspection;
- (2) The Code Compliance Officer did not discover any violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;
- (3) The property owner has paid all inspection fees assessed against the property.

A newly constructed rental dwelling/unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.

At least 30 days before the expiration of a rental certificate of compliance, the property maintenance official shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is reissued in accordance with Section 12, it shall have a six-year or a three-year expiration date (if the certificate has been previously suspended as called for by Section 12) with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

**SECTION 11. Rental Certificate of Compliance – Temporary Certificate.** When a rental certificate of compliance is required, the Code Compliance Officer may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- (1) The Code Compliance Officer is unable to complete an inspection of a rental dwelling/unit to verify compliance with this Ordinance prior to the expiration

date of an existing rental certificate of compliance;

- (2) The Code Compliance Officer is not aware of any current major violations; and
- (3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises;

The Code Compliance Officer may issue a temporary rental certificate of compliance for a newly registered rental dwelling/unit.

The Code Compliance Officer may issue a temporary rental certificate of compliance for a rental dwelling/unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.

A temporary rental certificate of compliance shall be valid until the Code Compliance Officer completes an inspection and issues an order granting or denying a rental certificate of compliance, (except in the initial stages of the rental inspection program where additional time will be needed to complete all the inspections) said inspection shall be conducted within 60 days of the expiration date of a rental certificate of compliance, within 60 days of the registration of a new rental dwelling/unit, or within 60 days of the issuance of a temporary rental certificate of compliance.

**SECTION 12. Rental Certificate of Compliance. Suspension and Expiration.**

The provisions of this section shall govern the suspension and expiration of rental certificates of compliance.

- (1) The Code Compliance Officer may suspend a six-year or a three-year rental certificate of compliance for a rental dwelling/unit if the responsible person fails to comply with a housing order notice issued under Section 8, or if the responsible person fails to pay any fee in accordance with Sections 9 and 14.
- (2) In such event, the Code Compliance Officer may placard the property and order that it be vacated until such time as the owner or responsible person complies with the housing order notice and/or pays the necessary fees. The Code Compliance Officer shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all violations are corrected and upon payment of the re-inspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three years from the date of the original certificate.
- (3) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty days after such expiration date, no person shall lease or rent a rental dwelling/unit to another unless a new rental certificate of compliance has been issued. A rental dwelling/unit, which has not been previously certified, shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.
- (4) If the Code Compliance Officer suspends a six-year or a three-year rental certificate of compliance, or, if a six-year or a three-year rental certificate of compliance has expired, then the Code Compliance Officer shall notify the occupant(s) of the suspension or expiration. The notice shall inform the

occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the dwelling/unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to Section 11, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.

- (5) The Code Compliance Officer shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefore.

**SECTION 13. Lease of Unregistered Units Prohibited.** No property owner shall lease, rent, or otherwise allow a rental unit to be occupied unless the Code Compliance Officer has registered the unit.

**SECTION 14. Penalties.** A violation of the provisions of this Ordinance shall be deemed a municipal civil infraction punishable by a fine of Two Hundred (\$200.00) Dollars for the first offense and Four Hundred (\$400.00) Dollars for the second and each subsequent offense. A violation of this Ordinance shall also be a nuisance per se and subject to abatement in a court of appropriate jurisdiction or as otherwise provided in the ordinances of Bedford Charter Township. In addition to the fine and costs imposed for a violation of this Ordinance, the owner shall pay the administrative late charge as set forth in the fee schedule adopted by the Township Board.

**SECTION 15. Severability of Invalid Provisions.** If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 16. Repeal.** All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 17. Savings Clause.** A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one (1) year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and which was committed prior to the effective date of this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**SECTION 18. Effective Date.** Pursuant to MCL 42.22, this Ordinance shall take effect immediately upon its publication, or publication of a summary, which publication shall



occur in a newspaper of general circulation in the Township within thirty (30) days after adoption.

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Bedford, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Tom Sprau, Supervisor

ATTEST:

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Joyce Feraco, Buildign & Zoning Administrator

Prepared by:  
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