

NOTICE OF POSTING OF PROPOSED CHARTER TOWNSHIP OF ALPENA ORDINANCE
(ORDINANCE NO. 139; THE RENTAL DWELLING REGISTRATION AND INSPECTION ORDINANCE)
AND NOTICE OF CHARTER TOWNSHIP OF ALPENA BOARD MEETING

TAKE NOTICE that on the 14th day of May, 2019, a proposed ordinance (Ordinance No. 139; the Rental Dwelling Registration and Inspection Ordinance) was introduced during a regular meeting of the Township Board of the Charter Township of Alpena. The proposed ordinance is designed to promote the public health, safety, and general welfare of persons and property by regulating and controlling the condition of rental dwellings within the Township; to establish regulations; to establish inspections; to establish standards for rental property maintenance; to establish remedies, provide for enforcement, and establish penalties for violations of the ordinance; and to repeal Charter Township of Alpena Ordinance No. 135. The proposed ordinance is presently posted for public viewing at the Charter Township of Alpena offices located at 4385 US-23 North, Alpena, Michigan 49707, and may also be viewed on the Township's website, www.alpenatownship.com. The proposed ordinance will be presented to the Township Board during a regular meeting on the 28th day of May, 2019, at 6:00 p.m., and the Township Board will consider adopting the proposed ordinance at that time. If the ordinance is adopted by the Township Board, the ordinance will take effect upon its publication as required by law. Please call the Township offices at (989) 356-0297 for further information or assistance.

Michele Palevich
Charter Township of Alpena Clerk

**CHARTER TOWNSHIP OF ALPENA
ALPENA COUNTY, MICHIGAN
ORDINANCE NO. 139
RENTAL DWELLING REGISTRATION AND INSPECTION ORDINANCE**

An ordinance to promote the public health, safety, and general welfare of persons and property by regulating and controlling the condition of rental dwellings within the Charter Township of Alpena; to establish regulations; to establish inspections; to establish standards for rental property maintenance; to establish remedies, provide for enforcement, and establish penalties for violations of this ordinance and to repeal Charter Township of Alpena Ordinance No. 135.

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

SECTION I. PURPOSES.

The Charter Township of Alpena recognizes the need for an organized inspection and registration program for rental properties located within the Township in order to promote the public health, safety, and general welfare of persons and property, by ensuring that rental dwellings meet all applicable codes for building, existing structures, fire, health, safety, and zoning, and by providing an efficient system for compelling both absentee and local landlords to correct violations and maintain, in a proper condition, rental property within the Township.

The Township recognizes that the most efficient system is the creation of a program requiring the registration and inspection of rental property within the Township as defined in this ordinance, so that orderly inspection schedules can be made by authorized Township officials.

This ordinance accomplishes these purposes by establishing minimum standards governing the state of repair and maintenance of rental dwellings, rental units, and the premises on which they are located; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make and keep such premises fit for residential occupancy and use; preventing blight and its detrimental effects from destroying the character and viability of the community; fixing certain responsibilities and duties upon owners; authorizing and establishing procedures for registering and inspecting such premises and for requiring that such premises be maintained in a compliant manner; establishing service and administrative fees to be charged through the enforcement of this ordinance; and establishing remedies, providing for enforcement, and establishing penalties for violations of this ordinance.

It is the intent of this ordinance to have all existing rental dwellings maintained according to the minimum codes governing existing buildings and residential occupancies. It is not intended to have such rental dwellings brought up to the current code requirements for new buildings.

SECTION II. DEFINITIONS.

As used in this ordinance:

- (a) "Certificate of Compliance" means a certificate issued by the Township Building Department that certifies compliance with all applicable codes, ordinances, statutes, rules, and regulations.
- (b) "Code Official" means the Township Building Official, who is charged with the administration and

enforcement of this ordinance, and his or her duly authorized representatives.

- (c) "Common utility areas" means all areas of a rental dwelling, other than the dwelling units themselves, including, but not limited to, all mechanical rooms, utility rooms, storage areas, exit facilities, recreational areas, and other public spaces within or connected to the building.
- (d) "Lease" means any written or oral agreement for monetary or in-kind compensation that sets forth conditions concerning the use and occupancy of rental dwellings or rental units.
- (e) "Notice of violation" means a notice issued to the owner or registered agent of the rental dwelling, stating there has been a violation of this ordinance or any other applicable code, ordinance, statute, rule, or regulation concerning the premises.
- (f) "Occupancy" includes all tenants, lessees, and persons residing within a rental dwelling or rental unit.
- (g) "Owner" means any person or entity having a legal or equitable interest in the premises.
- (h) "Premises" means any lot or piece of land, inclusive of the rental dwellings, rental units, common utility areas, and all other improvements or any part thereof.
- (i) "Rental dwelling" means any structure, building, or other facility leased in whole or in part to a residential tenant for use as a home, residence, or sleeping unit, regardless of arrangement. "Rental dwelling" includes, but is not limited to, all two-family dwellings, multiple dwellings, apartment buildings, boarding houses, rooming houses, and single-family houses, but excluding houses that are owner-occupied and are not rented in whole or in part, and excluding apartment buildings that are subject to inspection by the United States Department of Housing and Urban Development (HUD) and/or by a qualified state of Michigan rental inspector (proof of qualification and compliance with such inspections must be provided to the Township Building Department in order to be excluded from the requirements of this ordinance). "Owner-occupied," as used in this definition of "rental dwelling," shall include occupation by only the owners of record of the house and the spouse, children, step-children, parents, step-parents, siblings, grandparents, and grandchildren of the owners of record of the house.
- (j) "Structure" means that which is built or constructed or a portion thereof.

SECTION III. REQUIREMENTS.

- (a) No person shall lease, rent, occupy, or otherwise allow a rental dwelling within the Township to be occupied unless all the following requirement have first been met. This provision covers both new rentals as well as existing rentals.
 - (1) The owner of the rental dwelling shall have registered the rental dwelling with the Township Building Department by completing and filing a current registration form with the Township Building Department as provided in Section IV of this ordinance.

- (2) An inspection of the rental dwelling and each unit in a rental dwelling shall have been completed to the satisfaction of the Township Building Department.
 - (3) All previously billed property taxes; all current or past due special assessment installments; all water or sewer bills outstanding; and any other charges by the Township shall have been paid in full.
 - (4) All fees charged by the Township for the inspection of the rental dwelling shall have been paid in full, as well as any fees, fines, penalties, or debts of any sort arising from the provisions or enforcement of this ordinance.
 - (5) A valid certificate of compliance shall have been issued by the Township Building Department.
 - (6) The owner of an existing rental dwelling shall have thirty (30) days from the effective date of this ordinance to comply with the requirements herein.
- (b) Every owner of a rental dwelling or rental shall comply with each of the various requirements of this ordinance so as to obtain and keep current a certificate of compliance for the premises of each rental dwelling and all dwelling units therein. The Code Official may revoke a certificate of compliance for any violation of any applicable codes, ordinances, statutes, rules, and regulations.

SECTION IV. REGISTRATION OF RENTAL DWELLINGS.

- (a) The owner of a rental dwelling, occupied or unoccupied, shall register with the Township Building Department by completing the Township's registration form and providing his, her, or its name, business address, residence address, the location of each rental dwelling, the number of rental units within such dwelling, a current copy of the owner's driver's license or state-approved identification card, and the name and address of the owner's resident agent when there is a resident agent. If a mailing address includes a post office box address, the person or entity shall also include an actual street address. Notification of a change in ownership or use of any rental dwelling shall be provided to the Township Building Department within thirty (30) days after such change. This requirement does not relieve the registered owner of any such property of the responsibility to fully comply with the inspection, maintenance, and code compliance requirements of this ordinance.
- (b) If rental dwellings are managed or operated by an agent or representative, the agent or representative's name and business address shall be provided to the Township Building Department. The owner and the agent or representative shall both sign the registration form.
- (c) If the owner of a rental dwelling is a corporation or a limited liability company, the names and addresses of its officers shall be provided to the Township Building Department.
- (d) Any change in address of the owner, agent, or representative shall be provided by such owner, agent, or representative to the Township Building Department within thirty (30) days of such change.

- (e) If any rental dwelling is sold or transferred to a different person or entity, it shall be the obligation of the seller or transferring owner or his or her agent to notify the Township Building Department within thirty (30) days of the sale or transfer of the name and address of the purchaser or transferee. Certificates of compliance are not transferable; once the property is sold or transferred, the new owner must apply for a new certificate of compliance. Correction of identified violations may be assumed by the purchaser or transferee if the Township Building Department is provided with an affidavit of such assumption from the purchaser or transferee. This requirement shall not relieve any owner of a rental dwelling of the responsibility to keep registrations current and to comply with every provision of this ordinance.

SECTION V. INSPECTION FEES.

- (a) There shall be an initial inspection fee for each rental dwelling.
- (b) Calculation of inspection or inspection renewal fees shall be based on the total number of dwelling units in the same building for which a unique certificate of compliance is required.
- (c) Each new owner of a currently registered rental dwelling shall submit a new registration application.
- (d) All inspection and inspection late fees shall be set from time to time by resolution of the Township Board of Trustees. The applicable fees shall be paid within ten (10) days of the date of the notice of such fees. Accounting of such fees collected and the distribution thereof shall be made through the Township Rental Dwelling Registration and Inspection Ordinance Account.

SECTION VI. INSPECTIONS; RIGHT OF ENTRY.

- (a) The Code Official and his or her duly authorized representatives are hereby authorized to make inspections of rental dwellings, occupied or unoccupied, as follows:
 - (1) Upon identification of external violations documented by the Code Official, or upon receipt of a complaint registered by a tenant, resident, or neighborhood association if, after investigation, the Code Official determines that such inspections are reasonably required to accomplish the intent of this ordinance; and
 - (2) Every rental dwelling shall be inspected at least once every three (3) years and as required by this ordinance.
- (b) All owners, agents, representatives, and tenants shall comply with inspection requests of the Code Official and his or her duly authorized representatives as are provided for in subsection (a) hereof.
- (c) Right of entry: When it is necessary to make an inspection to enforce the provisions of this ordinance, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this ordinance, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this ordinance, provided that if such structure or premises is occupied, the Code

Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

SECTION VII. RECORDS OF VIOLATIONS; NOTICE TO CORRECT; CERTIFICATE OF COMPLIANCE.

- (a) If, upon inspection of a rental dwelling and premises, any unit or any part thereof is found to be in violation of this ordinance or any applicable code, ordinance, statute, rule, regulation, or other requirement relating to the maintenance or conditions of the property, such violation shall be noted by the Township Building Department. Written notice thereof, by regular mail, shall be given to the owner, agent, or representative as such appears in the registry.
- (b) It shall be the owner's responsibility to correct all life-safety code violations immediately and to maintain such property in a safe and compliant manner at all times. All other violations shall be corrected within ten (10) days from the date of the notice of violation.
- (c) Correction of maintenance violations that can be performed without obtaining a permit must be verified and documented by a Township inspector; this will be done without additional cost provided that the owner corrects all violations and requests verification within the prescribed time.
- (d) Correction of violations that must be performed by an appropriately licensed or qualified person shall be done in compliance with the permit requirements specified in all applicable codes, ordinances, statutes, rules, and regulations.
- (e) A certificate of compliance shall be issued by the Code Official for each rental dwelling when it is established that such dwelling or facility is in compliance with all the code requirements applicable to existing structures and residential occupancies. A certificate of compliance shall be valid for three (3) years.
- (f) Every owner or responsible party shall be responsible for regulating the proper use and maintenance of his or her rental dwelling in the Township. He or she shall be responsible for monitoring the conduct and activities of the occupants and ensuring that the rental dwellings do not constitute a public nuisance, and that illegal activities do not occur there.

SECTION VIII. ENFORCEMENT.

The Code Official and his or her authorized representatives shall serve as ordinance enforcement officers for purposes of enforcement of this ordinance and shall be authorized to issue notices, orders, violations, and municipal civil infraction citations relative to violations of this ordinance.

- (a) If any owner of any rental dwelling fails to comply with the registration requirements specified herein, the certificate of compliance may be suspended or revoked.
- (b) If any owner of any rental dwelling fails to comply with the inspection requirements specified herein after being properly notified, additional enforcement action may be taken. If the order is not promptly complied with, each dwelling unit contained therein shall be posted with a notice

requiring that the occupant of the unit provide entry for inspection purposes at a specified date and time.

- (c) If any owner of any rental dwelling fails to correct the violations identified in the inspection report, as required by this ordinance, the certificate of compliance may be revoked.

SECTION IX. VIOLATIONS AND PENALTIES.

Any person or entity who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“Public Act 236”). A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236, and the Township shall be entitled to all other remedies provided by Public Act 236. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

SECTION X. CONFLICT OF LAWS.

In any case where a provision of this ordinance is found to be in conflict with any provision of any Michigan statute or any zoning, building, fire, safety, or health ordinance, the provision which established the higher standard for the promotion and protection of the health, safety, and welfare of the public shall prevail.

Nothing in this ordinance shall be deemed or construed to impair the rights of the Township under any ordinance, statute, or code relating to condemnation of structures or relating to the maintenance, condition, or safety of structures.

SECTION XI. PUBLICATION; AUTHENTICATION; RECORDATION.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

SECTION XII. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

SECTION XIII. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its publication as required by law.

SECTION XIV. REPEAL.

Charter Township of Alpena Ordinance No. 135, which was adopted by the Township Board of Trustees on December 17, 2018, is hereby repealed.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on _____.

I further certify that the following Board members were present at the meeting: _____, and that the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this ____ day of _____, _____, by the Charter Township of Alpena Board of Trustees.

Nathan Skibbe
Charter Township of Alpena Supervisor

Michele Palevich
Charter Township of Alpena Clerk