

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

HOUSING LICENSING CODE ORDINANCE NO. 20-04

[An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34) to protect the general health, safety and welfare by establishing standards and licensing requirements for all rented or leased buildings that are used or intended to be used for human habitation, by updating applicable standards, appeal processes, and licensing requirements; by providing for severability, repeal, publication, and an effective date; and for other purposes.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 001 TITLE.

This Code shall be known as the “Housing Licensing Code” and may be cited as such and will be referred to herein as “this Code” or “this Ordinance.”

SECTION 002 PURPOSE.

The purpose of this Code is to provide minimum requirements for the health, safety and welfare of the general public and the owners and occupants of certain residential buildings.

SECTION 003 INTERNATIONAL PROPERTY MAINTENANCE CODE.

The current edition of the International Property Maintenance Code, including any and all future amendments to said International Property Maintenance Code, is hereby adopted and incorporated by reference in its entirety, together with and subject to the additional provisions of this Code.

SECTION 004 SCOPE.

- (A) **Application.** This Code shall apply to all rented or leased buildings, including manufactured homes, or any portions thereof, that are used or intended to be used for human habitation as a two-family dwelling, a multi-family dwelling, a rooming dwelling, a boarding dwelling, a lodging dwelling, a hotel or motel, any bed and breakfast inn or short term rental housing as authorized by the Township’s Zoning Ordinance, and any single-family dwellings which are leased or rented by the owner for more than one hundred and eighty (180) days during any twelve (12) month period. In addition, if a building that is licensed under this Code but does not comply with all of the provisions of the Code is thereafter unlicensed for one year or more, the building must thereafter comply with this Code before it acquires a new license.
- (B) **Alterations.** Existing licensed buildings that are subject to this Code, but that do not comply with this Code shall, at the time of alteration or repair, and with respect to this new work, be altered or repaired to conform to this Code, the Michigan Building Code current edition, and the laws of the state of Michigan.
- (C) **Relocation.** Buildings which are moved or relocated shall be considered new buildings and shall comply with all of the requirements of this Code.

SECTION 005 DEFINITIONS.

Bed and breakfast inn. A dwelling unit where the owners or live-in operators provide or offer overnight accommodations for temporary guests for compensation, including provisions for a morning meal for overnight guests only.

Boarding dwelling. A rooming dwelling where meals are provided.

Building, existing. A building constructed prior to this Code or one which was built pursuant to a valid building permit.

Ceiling height. The clear vertical distance from finished floor to the finished ceiling.

Designated Agent. A person, firm or corporation acting on behalf of, representing, or caring for the property on behalf of the owner.

Community and Economic Development Director. The head of the Township's Community and Economic Development Department and the Rental Inspector's departmental supervisor.

Dwelling. A building including manufactured homes, used in whole or in part for human habitation.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exit. A continuous and unobstructed means of egress to a public way, and shall include intervening, doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit courts, and yards.

Family. A family is defined as either:

- (A) Up to three unrelated persons living together as a single dwelling unit.
- (B) Parents (or persons legally married), with their direct lineal descendants, whether natural or adopted; and including domestic employees thereof, together with not more than two persons not so related, living together in the whole or part of the dwelling comprising a single dwelling unit.

Functional Family. A Functional family shall mean a collective number of individuals living together in a dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit. A functional family shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting this Ordinance.

This definition of a functional family shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature, or for the limited duration of their education, nor a group whose sharing of a dwelling unit is not to function as a family, but merely for convenience and economics. Nor shall it include residents of a state-licensed residential facility except to the extent permitted by the law. Any person seeking the rights and privileges afforded a member of a functional family by this chapter shall have the burden of proof by clear and convincing evidence of each of the elements of a functional family.

Good Repair. Suitable general condition after repair.

Guest Room. Any room or rooms used or intended to be used by a guest which is a person sharing a rooming or dwelling unit in a non-permanent status for not more than 72 hours, for sleeping purposes. Every 100 square feet of superficial floor area in a guest room.

Habitable room. Any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, services rooms connecting corridors, laundries, foyers, storage spaces, unfinished attics, utility rooms, cellars and similar spaces.

Hotel and Motel. A building containing six or more guest rooms used for the accommodation of transient guests, whether rented or hired out to be occupied or are occupied for sleeping purposes by guests whether rent is paid in money, goods, labor, or otherwise. If used or intended to be used or designed primarily for accommodation of transient or non-transient guest, the designation given by the owner (such as hotel, motel, motor inn, or similar) may (but is not required) be used in determining its classification. It does not include any jail, hospital, or institution in which human beings are housed and detained under legal restraint.

Human habitation. Living quarters used by people whether for a portion of a day or longer, containing certain provisions for sleeping and may include provisions for living, cooking, dining, and sanitation.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is 8 body-ft. (2.4m) or more in width or 40 body-ft. (12.2m) or more in length or, when erected on site, is 320 ft² (29.7 m²) or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the regulatory agency. Calculations used to determine the number of square feet in a structure is based on the structure's exterior dimensions, measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

(A) Single wide units in a mobile home park will comply with the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

(B) Single wide units outside mobile home parks will comply as a single-family dwelling unit.

Multi-Family dwelling. A building containing three or more dwelling units.

Rental Inspector. The person(s) as delegated by the Director of the Township's Community and Economic Development Department to have responsibility for inspections, investigation of violations, and the general administration and enforcement of this Ordinance.

Rental Unit. Any dwelling unit rented or leased, or any dwelling occupied as a home or family unit containing certain rooms in excess of those occupied by members of the immediate family.

Rooming dwelling. A building containing one or more units that is approved for use by three or more person, not meeting the definition of a family, per dwelling unit. This is also known as a Rooming House.

Short term rental housing. A dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than thirty (30) nights at a time.

Superficial floor area. Is the net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

Tenant. Any person, other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

Two-family dwelling. A building used exclusively or designed for occupancy of two individual families living independently from each other.

SECTION 006 RESPONSIBILITIES OF OWNERS.

Every owner shall comply with the following provisions.

- (A) At the time a new tenant occupies a vacant dwelling unit, the new tenant shall be provided with a clean, healthful, and safe dwelling unit, free of visible mold and mildew.
- (B) Maintain the public or shared areas of a dwelling or the premises in a clean, safe, and sanitary condition.
- (C) Maintain in good repair every dwelling and premises and all parts thereof, including, but not limited to, plumbing, heating, ventilating, and electrical systems, and the interiors and exteriors of dwelling and dwelling units.
- (D) Maintain all fixtures, furniture, and furnishings that are furnished by the owner in a safe condition and in good repair, compliant with the manufacturer's requirements.
- (E) Display in a conspicuous place in a common way of the dwelling or dwelling unit a copy of the housing license or attach a copy of the then current Housing License to the holder at the time of execution of the lease, or include the following provisions in the lease:

"The Charter Township of Union regulates rental properties within the Township. Your Landlord will provide you a copy of the current housing license for your property without charge upon your written request to the Landlord. You may also acquire a copy of the current housing license for your property by contacting the Charter Township of Union Rental Inspector at 989-772-4600."
- (F) Include within the terms of every written lease the provisions set forth in the Township's Nuisance Party Ordinance.
- (G) Cooperate with and assist the township in the enforcement of the Township's Nuisance Party Ordinance.
- (H) An owner or agent shall not allow a dwelling unit to be occupied by more persons than such dwelling unit is licensed for or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this Code are violated.
- (I) Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions with the required permits.
- (J) Equipment, systems, devices, and safeguards required by this Code or a previous regulation or

Code under which the building was constructed, altered, or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required by applicable law to be removed from or shut off for any occupied dwelling or dwelling unit, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protections and safety systems and devices in existing buildings.

- (K) All water leaks shall be properly repaired.
- (L) All locations within the building for which the Landlord is responsible for under the Lease, shall be kept free of visible mold, mildew, and other environmental hazards.
- (M) In compliance with provisions of the Housing Law of Michigan (Public Act 167 of 1917, as amended, being MCL 125.401 – MCL 125.543), the owner shall provide the Rental Inspector access to unit(s) for inspection during reasonable hours if any of the following apply:
 - (1) The lease authorizes entry to the unit(s) for inspection purposes.
 - (2) A tenant has made a complaint to the Rental Inspector.
 - (3) The unit is vacant.
 - (4) The Township serves an administrative warrant ordering the owner to provide access.
 - (5) A tenant has consented to the inspection. The owner shall notify the tenant of the Rental Inspector's request to inspect the tenant's unit and shall make a good-faith effort to obtain the tenant's consent for the inspection. If a tenant is not present during the inspection, the Rental Inspector will accept the owner's representation that a tenant has consented to the inspection.
- (N) The owner shall also provide the Rental Inspector access to all public, utility, and other service and common areas of the building(s) and premises for inspection.
- (O) Comply with other applicable provisions of this Code.

SECTION 007 REPSONSIBILITIES OF OCCUPANTS.

Every occupant shall cooperate with and assist the owner to keep and maintain the building, dwelling unit, and premises to meet the minimum requirements of this Code. In addition:

- (A) Every occupant shall notify the owner or his/her agent in writing of any water leaks or of any condition believed to be in violation of this Code which directly affects the dwelling unit within a reasonable time of discovery of any leaks or condition.
- (B) Every occupant may at any time notify the Rental Inspector of any condition believed to be a violation of this Code.
- (C) Every occupant shall properly use all facilities, including bathroom and kitchen facilities, and shall maintain them in a manner that is sufficiently clean and sanitary as not to place other occupants within that building at risk for safety or health reasons.
- (D) An occupant shall not sublet or allow any portion of the dwelling unit to be occupied in such a

manner that any of the provisions of this Code are violated.

- (E) Every occupant shall properly use the designated parking area provided by the applicable lease and shall not park across sidewalks or lawns.
- (F) Occupants of any dwelling unit shall be responsible jointly and/or severally for any violation of this section of this Code.
- (G) Every occupant shall assist the owner and cooperate with the township in compliance with and enforcement of the Township's Nuisance Party Ordinance.
- (H) Occupants shall not place any article of furniture and/or an appliance manufactured for and intended primarily for indoor use out of doors, in yards, on open porches, or patios.
- (I) No occupant of any dwelling unit or building shall cause intentional destruction nor allow the intentional destruction by others to the dwelling unit or building or any part thereof.
- (J) No occupant shall access, nor permit access by others, to the rooftop of any structure. Exception: access by property maintenance personnel shall be permitted for necessary repairs.
- (K) Every occupant shall properly use all facilities and maintain them in a clean and sanitary manner free of excessive accumulations of waste product or clutter, unwashed clothing and unclean dishware or cookware. All areas, for which the Tenant is responsible for under the Lease, shall be kept free of visible mold or mildew.
- (L) No occupant of any dwelling unit or building shall allow refuse, debris or other substance to accumulate in the dwelling unit or building or any other area, which said occupant has use or possession thereof, which puts other occupants of that building at risk for health or safety reasons.
- (M) In compliance with provisions of the Housing Law of Michigan (Public Act 167 of 1917, as amended, being MCL 125.401 – MCL 125.543), tenant(s) shall provide the Rental Inspector access to the unit for an inspection during reasonable hours if any of the following apply:
 - (1) The lease authorizes entry to the unit(s) for inspection purposes.
 - (2) A tenant has made a complaint to the Rental Inspector.
 - (3) The Township serves an administrative warrant ordering a tenant to provide access.
 - (4) A tenant has consented to the inspection.

SECTION 008 REFERENCED CODES AND STANDARDS IN ADDITION TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

In addition to the requirements of the International Property Maintenance Code enforced by the Township, the following requirements shall apply:

- (A) **Owner occupied rental.** Owner occupied portions of residential dwelling buildings shall be inspected annually to ensure that a non-owner occupant of that residential dwelling building will not be subject to risk because of safety or sanitary conditions existing in the owner-occupied portion of the residential dwelling building.

- (B) **New rental properties.** Each dwelling added to the housing licensing program after June 1, 2012, shall be considered as new construction with respect to fire resistance rate construction, fire protection systems and means of egress and shall comply with all sections of this Code and all other applicable Codes.
- (C) **Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparations areas, food service areas or any area where products to be included or utilized in for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging screen or storm door shall have a self-closing device in good working condition.
- (D) **Doors.** Each dwelling added to the housing licensing program after the adoption date of this Code, shall provide that all doors providing access to a dwelling unit that is equipped with a deadbolt lock shall meet the specification set forth herein. Such deadbolt locks shall in be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks shall be designed and installed in such a manner so as to be operable inside of the dwelling unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (E) **Garbage facilities** shall be constructed and maintained in compliance with the Township's Zoning Ordinance requirements and the International Property Maintenance Code.
- (F) **Occupant Responsibilities.** Occupants of all dwellings are required to comply with the International Property Maintenance Code.
- (G) **Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the total glazed area of the window.
- (1) Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent (8%) of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
- (2) Exception: Where rooms and spaces without openings to the outdoors comply with the Michigan Residential Building Code for light and ventilation in habitable rooms.
- (H) **Sleeping rooms with two doors.** Sleeping rooms with an exterior door in lieu of a window shall be provided with a screen door at the exterior for ventilation.
- (I) **Elevated sleeping surface.** Lofts, bunk beds or other elevated sleeping surfaces shall be installed not closer than 30 inches from the top of the sleeping surface to the ceiling of the room. Lofts, bunk beds or other elevated sleeping surfaces shall not block any opening or windows that are required means of egress by any applicable code.
- (J) **Access from bedrooms.** Each dwelling added to the housing licensing program after the adoption date of this Code shall not have bedrooms which constitute the only means of access to other bedrooms or habitable spaces and shall not service as the only means of egress from other habitable spaces.

- (K) **Minimum floor area.** Each dwelling subject to this Code shall have the minimum number of square feet of total floor area as required by the Township's Zoning Ordinance and other referenced standards.
- (L) **Under-stair protections.** Enclosed accessible spaces under stairs shall have the walls, under stair surface and any soffit protected on the enclosed side with minimum one-half (0.5) inch gypsum wallboard, taped and finished. Use of under stair storage areas, which pose difficulty for compliance with this Code, shall be discontinued and permanently sealed from future use. Under stair mechanical areas, which pose difficulty for compliance with this Code, may be protected by the installation of domestic water sprinkler head(s) to completely protect the area.
- (M) **Emergency escape.** Emergency escape and rescue openings shall be provided and installed in accordance with this Code, as follows:
- (1) Emergency escape space and rescue openings for existing rental dwellings shall be provided and installed in accordance with the Michigan Rehabilitation Code for Existing Buildings.
 - (2) Emergency escape and rescue openings for each dwelling added to the rental housing licensing program after the adoption date of the Code shall be provided and installed in accordance with the Michigan Residential Building Code.
- (N) **Separation required.** Each dwelling subject to this Code with attached garage or storage areas shall have a fire separation extending the full width and height of the common wall(s) with the living portion of the structure. All separations shall be designed and installed in accordance with the Michigan Residential Building Code. If the living space of the structure is located above a garage space, the common floor/ceiling between the two spaces shall be separated in accordance with the garage separations section of this and all applicable codes. Fire resistance-rated floor-ceiling and all assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend tight to and be sealed to the underside of the roof sheathing.
- (O) **Smoke Alarms.** Each dwelling shall have smoke alarms installed in accordance with the Michigan Residential Building Code. When any new smoke alarm is installed in any dwelling licensed under this Code, the smoke alarm shall comply with the following provisions:
- (1) All requirements of the International Property Maintenance Code.
 - (2) New rentals after June 1, 2012 will need to meet current code regardless of the age of the property.
 - (3) A smoke alarm shall receive its primary power from the building wiring (provided that such wiring is served from a commercial source) and shall be equipped with a back-up battery, or
 - (4) A smoke alarm shall be sealed and have non-removable, non-rechargeable batteries which will last ten (10) years.
- (P) **Smoke alarm maintenance.** Smoke alarms shall be maintained in good working condition and shall be replaced in accordance with the manufacturer's recommendations and the detector listing. Smoke alarms shall be maintained free of accumulations of dirt, dust and other materials that may impede operation. Covers shall be maintained on all alarm units for proper testing.

Unless otherwise recommended by the manufacturer's published instructions, single- and multiple-station smoke alarms shall be replaced when they fail to respond to operability tests, but shall not remain in service longer than 10 years from the date of manufacture.

- (Q) **Carbon Monoxide Detectors.** There needs to be a minimum of at least one battery unit in the dwelling unit. It needs to be located near a register (if available) in the vicinity of the bedrooms. Plug-in battery back-up is the best option, but battery only is acceptable.
- (R) **Egress Windows.** All bedrooms need to have at least one egress window.
 - (1) On current rentals if an existing window is operational and is a viable and reasonable means of escape but does not meet egress requirements, it can comply contingent upon a requirement that, when the property is upgraded (permit required), the window(s) will be upgraded to comply with the Michigan Building Code requirement for installation of an egress window.
 - (2) On current rentals if the current window is not operational or viable and have a reasonable means of escape, then a violation will be issued, allowing 30 days for the window to be altered to manufacturer's specifications, or for an egress window to be installed according to the Michigan Building Code requirement for installation of an egress window.
- (S) **Supremacy clause.** Where differences occur between provisions of this Section and other referenced code standards, the provisions of this Section shall apply. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of this Code and the other referenced code standards.

SECTION 008.1 OTHER REFERENCED STANDARDS.

The Michigan Residential Building Code, Michigan Rehabilitation Code for Existing Buildings, International Property Maintenance Code, and other codes and standards referenced in this Ordinance are considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of this Code and the codes described in this Ordinance.

SECTION 009 HOUSING LICENSE APPLICATION; FEE.

- (A) No person shall operate or permit occupancy of a dwelling covered by this Code unless a current, unrevoked housing license has been issued by the Rental Inspector in said person's name for the specific named dwelling.
- (B) The following shall apply to the issuance of any housing license:
 - (1) Application for housing license or for renewal shall be made in writing by the Owner to the Rental Inspector on forms furnished by the Rental Inspector and shall be accompanied by an inspection fee.
 - (a) If after inspection(s) by the Rental Inspector, or designee, the dwelling is found to be in accordance with all provisions of this Code, and all applicable fees have been paid, a housing license will be issued.

- (b) A housing license shall be valid for a period of one year from the date of issuance (unless sooner revoked) and may be renewed for successive periods of one year, except the Rental Inspector is authorized, for the first such housing license issued for a dwelling, to issue the housing license for a period of up to one year for the purpose of adjusting the time when such housing license expires.
- (2) Applicants shall designate in writing with each application or renewal, an agent upon whom service or notice under this Code and service or process for violation of this Code may be made in the absence of the owner. The agent designated must reside within one hour of Charter Township of Union to receive such notice. This designated agent must give written approval for the use of his/her name as the designated agent. A violation of this section is a misdemeanor.
- (3) Every person holding a housing license shall provide in the lease, with a written provision that the tenant or roomer will allow the Rental Inspector access to the dwelling and/or dwelling unit for the purpose of inspection required as to prerequisite to granting or renewal of a housing license, or for the purpose of investigating a complaint.
- (4) No housing license is transferable to another dwelling, and each person issued a housing license shall give notice in writing to the Rental Inspector within (7) seven calendar days after having transferred or otherwise disposed of legal control of any licensed dwelling. Such notice shall include the name and address of persons succeeding to the ownership or control of such dwelling, and to whom the housing license is to be transferred.
- (5) Application for the transfer of a license to a new owner and/or renewal of a housing license shall be made at least 30 calendar days prior to the expiration date of the existing housing license. Late applications will be charged a late fee.
- (6) A record of all housing licenses issued shall be kept on file in the offices of the Rental Inspector, and copies will be furnished upon request.
- (7) Housing license fees shall be set by resolution of the Board.
- (8) Unpaid fees.
 - (a) Housing licensing related fees to the property that are unpaid by the due date will be charged a late fee set by resolution of the Board of Trustees on a per-month basis. If the amount due or any portion thereof is unpaid after the due date, the unpaid balance plus accrued late fees may be charged to the owner of such property on the next regular tax bill forwarded to the owner by the Township. The charge shall be due and payable by the owner at the time of the payment of the tax bill.
 - (b) If the full amount due is not paid by such owner within 60 calendar days of the due date, then, the Township administration will cause to be recorded in the Township Treasurer's office a sworn statement showing the fees applied and due dates. The recording of this statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection until final payment

has been made. The cost and expenses shall be collected in the manner fixed by law for the collection of taxes, and shall further be subject to delinquent penalty of 1% per month in the event it is not paid in full on or before the date on the tax bill upon which said charge appears become delinquent. This recorded statement shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall constitute a charge against the property designated or described in the statement that is due and collectible as provided by law.

SECTION 010 TEMPORARY LICENSE.

The Rental Inspector may issue a temporary housing license for all or part of a dwelling in the process of erection or alteration if the dwelling or part thereof to be occupied complies with the provision of this Code. No temporary housing license may be issued for longer than six (6) months, and no temporary housing license shall be effective more than (5) five calendar days after the erection or alteration of the dwelling is completed.

SECTION 011 ENFORCEMENT.

- (A) **General.** The Rental Inspector shall enforce the provisions of this Code under the general supervision of the Director of the Township's Community and Economic Development Department.
- (B) **Inspections.** The Rental Inspector shall make all required inspections or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible Officer of such approved agency or by the responsible individual. The Rental Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.
- (C) **Right of Entry.** The Rental Inspector is authorized to enter all buildings or structures subject to this Code at reasonable times in order to inspect the buildings or structures, subject to the constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Rental Inspector is authorized to pursue recourse as provided by law.
- (D) **Additional inspection provisions.** Inspection shall be conducted in the manner best calculated to secure compliance with this Code and maintain efficient use of Township resources. In compliance with provisions of the Housing Law of Michigan (Public Act 167 of 1917, as amended, being MCL 125.401 – MCL 125.543), inspections may include one (1) or more of the following methods as determined by the Community and Economic Development Director and Rental Inspector:
 - (1) Inspection on a compliance basis prior to issuance or renewal of annual licenses.
 - (2) Inspection on a percentage basis, under which the Community and Economic Development Director and Rental Inspector may establish a percentage of units on the premises or in a building to be inspected before issuance of a license.
 - (3) Inspection ordered in response to a complaint received by the Township.
 - (4) More frequent inspections may be ordered in response to a pattern of violations or a high incidence of recurrent or uncorrected violations for a subject premises or licensee.

801.012 HOUSING BOARD OF APPEALS.

- (A) **Creation.** A Housing Board of Appeals is hereby created to provide a reasonable interpretation of this provisions of this Code and to give relief where unnecessary hardship would result from carrying out the strict letter of this Code. The duty of the Board shall be to consider appeals from decisions of the officials charged with the enforcement of this Code and to determine in particular cases whether any deviation from the strict enforcement of this Code will violate the intent of this Code or jeopardize the public health, safety and welfare.
- (B) **Membership and appointment.** The Construction Board of Appeals, which is established under the Michigan Residential Building Code and appointed by the Board of Trustees, is hereby designated to also perform the duties of the Housing Board of Appeals under this Code.
- (C) **Public meetings.** The Housing Board of Appeals shall meet in a fixed place, and all meetings shall be open to the public in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et seq.
- (D) **Required notices.** When any request for Housing Board of Appeals review and action has been properly filed and is to be considered, the Housing Board of Appeals shall give at least (10) ten calendar days' notice of the time and place of the hearing through publication of a notice in a newspaper of general circulation in the Township, posting of the notice on the Township's website, and delivery by personal service or by mail to the applicant, Community and Economic Development Director, Rental Inspector, and to any person to whom real property is assessed that is within 100 feet of the premises of the appeal. The notice will be addressed to the respective owners at the address given on the last assessment roll. Any party may appear at such hearings in person or by agent.
- (E) **Rules, minutes, and records.** The Housing Board of Appeals shall adopt its own rules or procedures and keep a record of its proceedings showing the action of the Board. Such records shall be considered public records.
- (F) **Appeal cases.** Any person affected by any notice or order which has been issued in connection with the enforcement of this Code who has not otherwise been offered a hearing under this Code may require and shall be granted a hearing on the matter before the Housing Board of Appeals, provided that such person shall file in the office of the Rental Inspector a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner and a brief statement of the grounds for such hearing. Petition shall be filed within ten (10) calendar days after the day the notice of order is served. Upon receipt of such a petition, the Community and Economic Development Director or Rental Inspector shall set a time for the hearing before the Housing Board of Appeals and shall provide the notices required by this Ordinance.
- (G) **Fee required.** A fee shall be paid to the Township at the time of filing for any request for Housing Board of Appeals review and action. The amount of the required fee shall be established and may be adjusted from time to time by resolution of the Township Board of Trustees.
- (H) **Stay of order.** Any determination made by the Rental Inspector which is appealed to the Housing Board of Appeals under division shall be stayed until a disposition of the appeals is made by the Housing Board of Appeals unless there is a health or safety issue.

- (I) **Hearing procedures.** All hearings held by the Housing Board of Appeals shall be in accordance with the following requirements:
- (1) Notice of the date, time, and place of the hearing shall be provided in accordance with the requirements of this Ordinance.
 - (2) The hearing shall be opened and closed at the call of the Chairperson and shall be confirmed by majority votes of the members present via roll call vote.
 - (3) The owner shall have the right to present testimony and evidence, to be represented by their attorney during the hearing, to present witnesses and expert testimony, and to ask questions of the Rental Inspector and any other person(s) presenting evidence on behalf of the Township.
 - (4) The Rental Inspector and/or any other person(s) designated for this purpose by the Community and Economic Development Director or otherwise requested by the Housing Board of Appeals or the Township Attorney shall present testimony and evidence on behalf of the Township.
- (J) **Actions of the Board.** Following the closure of the hearing and deliberations, the Housing Board of Appeals shall make any determination(s) by a preponderance of the evidence and a majority vote of the total Housing Board of Appeals membership.
- (1) For any appeal, the Housing Board of Appeals may sustain, modify, or withdraw the notice and order depending upon its findings and determinations in the case.
 - (2) If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this Code, the Housing Board of Appeals may permit a variance from the mandatory provisions thereof in such a manner that the public safety shall be secured, substantial justice done, and the spirit of the provisions of this Code upheld.
 - (3) The Housing Board of Appeals may postpone action on a matter under review to a date certain for the purpose of requesting additional information, seeking legal or other expert counsel, or for other purposes identified in the motion to postpone.
 - (4) Within seven (7) calendar days after the meeting where the action is taken, a written record of any Housing Board of Appeals determination(s) shall be provided to the Rental Inspector and to the Owner.
- (K) **Appeals of final decisions.** Any appeals after a final decision is made under this Ordinance must be brought to the Circuit Court within 30 calendar days of the final decision date.

SECTION 013 NOTICE OF VIOLATION; CORRECTIONS; SUSPENSION OF LICENSE.

- (A) If upon inspection the Rental Inspector finds a violation of this Code, he/she shall issue a notice and order directed to the owner of record stating the date of inspection, the name of the inspector, and nature of the violation, and the time within which the correction shall be completed.
- (B) A violation which is determined by the Rental Inspector to constitute a hazard to health or the occupants or the community as a whole, shall be ordered corrected within the shortest

reasonable time, and notice of having begun compliance shall be given to the Rental Inspector by the owner within 48 hours. All other violations shall be corrected within 30 calendar days from the date of notice.

- (C) At the end of the period of time the Rental Inspector has allowed for the correction of any violation notice as provided, the Rental Inspector shall reinspect the licensed dwelling. Upon written notice from the Rental Inspector that the conditions requiring corrections set forth in the notice sent have not been corrected, the Community and Economic Development Director may issue an Order notifying the owner of the continuing violation(s) and schedule a hearing to suspend the housing license.
- (D) Any person whose housing license under this section has been suspended shall be entitled to an appeal to the Housing Board of Appeals. If no appeal is properly presented within 21 calendar days following the issuance of the order of suspension, the housing license shall be revoked except that if prior to the revocation of the housing license any person whose housing license has been ordered suspended may request re-inspection, upon a showing that the violations cited in the notice have been corrected.
- (E) If, upon re-inspection pursuant to the request of the person whose housing license has been ordered suspended but not yet revoked, the Rental Inspector finds the dwelling in connection with which notice was issued is now in compliance with this Code and with applicable rules and regulations issued pursuant thereto Community and Economic Development Director shall reinstate the housing license. A request for reinspection shall not extend the suspension period.
- (F) If an appeal to the Housing Board of Appeals is taken, and if the Housing Board of Appeals does not reverse the decision, the Community and Economic Development Director shall revoke the housing license within ten (10) calendar days following the denial of the appeal by the Housing Board of Appeals.
- (G) Failure of an owner or occupant to maintain a valid housing license, or to comply with an order of suspension which has not been appealed or which the Housing Board of Appeals has sustained, shall constitute a violation of this Ordinance subject to the penalties thereof.
- (H) When an uncorrected violation creates an imminent danger to the health and safety of the occupants of the dwelling or premises, the Township may file an action seeking a preliminary injunction or other temporary relief appropriate to remove such danger during the pendency of any action.

SECTION 014 NOTICE OF VIOLATION; SERVICE AND TERMS.

- (A) All notices of violation shall be in writing and shall be deemed given when one of the following is done:
 - (1) Personal service.
 - (2) A copy of such notice is sent by certified mail. Postage prepaid, return receipt requested.
 - (3) If no address so appears nor is known to the Rental Inspector, a copy of the notice shall be mailed to the owner at the address of the building or structure and a copy of the notice and order shall be posted in a conspicuous place on the building or structure.

- (4) Service by certified mail in the manner herein provided shall be effective on the date of mails; proof of service of the notices and the manner of such service shall be made by affidavit sworn to by the person affecting such service, declaring time, date, and the manner in which the service was made. The affidavit, together with a receipt for mailing and any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Rental Inspector.
- (B) Service by certified mail in the manner herein provided shall be effective on the date of mailings; proof of service of the notices and the manner of such service shall be made by affidavit sworn to by the person affecting such service, declaring time, date, and the manner in which the service was made. The affidavit, together with a receipt for mailing and any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Rental Inspector.
- (C) The failure of any person to receive notice as provided for above shall not affect the validity of any proceedings taken under this Code.

SECTION 015 VIOLATIONS; PENALTIES.

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, or who impedes or interferes with the enforcement of this Ordinance, shall be deemed in violation of this Ordinance and shall be subject to the following:

- (A) **Public nuisance.** Violations of any provision of this Ordinance are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- (B) **Violators.** Each owner or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance.
- (C) **Municipal civil infraction.** Any person who violates or permits the violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township's Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.
 - (1) The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
 - (2) A person who violates or permits the violation of this Ordinance shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised Judicature Code, being MCL §600.8701, et. seq., as amended. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- (D) **Other remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any

provisions of this Ordinance, or to correct, remedy or abate such non-compliance.

- (E) **Rights and remedies preserved.** Any failure or omission to enforce provisions of this Ordinance or to prosecute a violation of this Ordinance shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.
- (F) **Loss of occupancy and orders to vacate.** In compliance with provisions of the Housing Law of Michigan (Public Act 167 of 1917, as amended, being MCL 125.401 – MCL 125.543), the following additional penalties shall apply:
 - (1) When a license under this Code has been revoked by the Township or is being withheld pending corrective action needed to comply with this Code, the subject premises shall be kept vacant and the Rental Inspector may order occupied premises to be vacated pending completion of corrective actions and re-inspection to confirm compliance.
 - (2) Upon determination that conditions exist which constitute an immediate hazard to health or safety, the Rental Inspector may order the subject premises to be vacated pending completion of corrective actions and re-inspection to confirm compliance.

SECTION 016 SEVERABILITY.

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

SECTION 017 REPEAL.

All Ordinances or parts of Ordinances in conflict with this Ordinance, including the Township's Housing Licensing Ordinance Number 2012-08, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Township Subdivision Control Ordinance, or the Township Building Code.

SECTION 018 PUBLICATION.

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

SECTION 019 EFFECTIVE DATE.

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on August 12, 2020 after a first reading by the Township Board of Trustees on July 22, 2020 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the _____ day of _____, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

(a) Voting in favor of the Ordinance: _____

(b) Voting against adoption of the Ordinance: _____

I further certify that a summary and notice of adoption of this Ordinance were published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the _____ day of _____, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: _____, 2020

Lisa Cody, Clerk

I, Ben Gunning, the duly elected Supervisor of the Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

Ben Gunning, Supervisor

Date: _____, 2020