

CHARTER TOWNSHIP OF DELTA
7710 W. Saginaw Highway
Lansing, MI 48917
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ADOPTION OF ORDINANCE 06-28
CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS
ARTICLE IV PROPERTY MAINTENANCE CODE
DIVISION 4 RENTAL PROPERTY REGISTRATION AND INSPECTION

The Delta Township Board introduced the following Ordinance, at its regular meeting held on April 3, 2006.

The Delta Township Board adopted this Ordinance at its regular meeting at 7:00 p.m. on September 5, 2006.

THE CHARTER TOWNSHIP OF DELTA ORDAINS AS FOLLOWS:

TO AMEND THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA:

SECTION 4-113 PURPOSE

The Charter Township of Delta finds that the act of renting or leasing dwelling units is a business activity. The Township also finds that dwellings or dwelling units which are leased or rented to the public, when improperly maintained, by reason of their structures, equipment, sanitation, use or occupancy, may adversely affect public health, safety and general welfare as well as the aesthetic value of surrounding property and community. To correct unsuitable conditions which exist within rental properties and to establish mechanisms for the continued maintenance of a sound rental housing stock within Delta Charter Township, and to promote the public health, safety and general welfare of its citizens, the Township establishes these regulations which shall require the registration of rental dwelling units and provide for the enforcement of minimum rental housing standards.

This Division supplements and augments the existing International Property Maintenance Code in protecting and promoting the health, safety and welfare of the citizens of Delta Charter Township by requiring the registration of all rental dwelling units in the Township. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This ordinance is not intended nor shall it be used for the purpose of including the Township in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

SECTION 4-114 DEFINITIONS

For the purpose of this Division, certain terms, phrases, words and their derivatives shall be construed as specified in this Division. If not specified in this Division, or elsewhere in the Delta Charter Township Code of Ordinances, the term shall have its ordinary accepted meaning within the context used.

Authorized Township Official refers to the Building Official of Delta Charter Township and his/her agents and designees.

Code means any code or ordinance adopted by Delta Charter Township.

Common Area is the area in a rental dwelling or rental complex not within a tenant's private rental unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies and spaces which contain mechanical, electrical or plumbing equipment.

Owner means any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee or title to a mobile home or house trailer. Owner shall also mean any individual, association of individuals, a public, private or not for profit corporation, a firm or partnership. Owner shall not mean a tenant.

Owner Occupied Dwelling means a dwelling which a person both owns as an owner and lives in as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.

Rental Complex is a group of rental dwellings.

Rental Dwelling is any dwelling containing a rental unit, a rooming unit, or hotel/motel unit, including single-family homes and mobile homes occupied by a tenant or tenants.

Rental Property refers generally to all rental complexes, rental dwellings and rental units.

Rental Unit is a particular living quarters within a dwelling intended for occupancy by a tenant or person other than the owner and the family of the owner, including mobile homes, single-family homes, apartments, hotel/motel units, rooming units, and for which a remuneration or consideration of any kind is paid.

Tenant is a person residing in a rental property who is not an owner, as defined by this ordinance, of the rental property, and who pays a remuneration or consideration of any kind for residing on the rental property.

Violation Notice is a written correspondence issued by an Authorized Township Official advising an owner, or his agent, of a violation of this Division or a code. Violation notices shall list all infractions and corrective measures necessary to comply with this Division or a code and a time period within which such corrections must be completed.

SECTION 4-115 APPLICABILITY

This Division shall apply to all persons, firms, partnerships, associations and corporations owning or exercising control over any building or premises used for dwelling purposes, or which subsequently may be constructed or so designated, which is in total or in part, rented or leased, and which is located within Delta Charter Township. An owner of any rental dwelling located within Delta Charter Township shall not rent to another any rental dwelling, or rental unit, unless such rental dwelling or rental unit is registered pursuant to this Division and is in compliance with all applicable Federal, State, and local laws, rules, and ordinances and regulations.

SECTION 4-116 REGISTRATION OF RENTAL PROPERTIES

a. Initial Registration

Within ninety (90) days following the effective date of this ordinance, all owners of rental properties shall register with the Delta Charter Township Building Department each rental complex, rental dwelling, and rental unit within the boundaries of the Township.

Newly constructed rental properties will be registered by the Township at the time a certificate of occupancy is issued, and then must be subsequently re-registered and inspected as required by Section 4-118.

b. Registration Requirements

The registration of any rental property shall require at least the following information on forms provided by the Township:

1. The address of the rental property with each rental unit contained therein enumerated. If the rental units are within a rental complex, the property manager's address shall also be included.
2. If applicable, the number of buildings, including rental dwellings, in the rental complex.
3. The number of rental units per rental dwelling.

4. The individual square footage of each bedroom, the kitchen, the living room, the dining room and the total number of occupants currently residing in each rental unit.
5. The name, address and telephone number of the registered agent or other responsible person designated by the owner, to receive official notices, legal processes, tenant concerns and correspondence from the Township.
6. The applicant shall sign the registration attesting to the truth and accuracy of its contents.
7. Payment of all applicable fees as established by resolution of the Township Board and published in the Township Schedule of Fees.

c. Changes in Registration Information

The owner or his/her agent shall provide written notification to the Delta Charter Township Building Department of any change in the above information.

d. Agreement to Permit Inspections

Included with the registration application shall be an agreement, signed by the owner, permitting inspections of his/her rental properties by officials or agents of the Township and affirming that all tenants of the subject properties have been informed of the regulations contained in this ordinance and of inspections of the rental properties, including common areas, by Authorized Township Officials. Owners shall provide, or cause to be provided, a copy of the agreement to all existing tenants, as well as tenants who enter into leases or come to reside on a rental property after the agreement takes effect. All leases executed after the effective date of this ordinance shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in Section 4-117.

e. Additional Requirements

An Authorized Township Official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this Division.

SECTION 4-117 INSPECTIONS

a. Scheduling Inspections

The owner shall be notified of the date and time of a rental inspection via first class mail at least thirty (30) days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law. A list of inspection

guidelines, prepared by the Delta Charter Township Building Department, shall be given to all owners at the time of rental property registration.

b. Periodic Inspections

An Authorized Township Official may systematically inspect rental properties, including common areas, at least one (1) time every three (3) years. However, this Division shall not be construed as creating a responsibility for the Township to inspect such properties.

c. Probable Cause Inspections

Any rental property, even though not previously scheduled for inspection, may be inspected without prior notice to the owner and/or tenant if an Authorized Township Official has probable cause to believe that there exists on the rental property any condition which makes such rental property or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

d. Court Orders

If access to a structure, premises or area for the purpose of inspection authorized by this Section is refused, an Authorized Township Official, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this Division with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

e. Inspections in General

Except for probable cause inspections, rental property may only be inspected during reasonable hours upon presentation of proper identification by an Authorized Township Official. It shall be the rental property owner's responsibility to coordinate access to all areas of their rental property, including common areas.

f. Inspection of Rental Complex

1. In a manner best calculated to secure compliance with this code, the Authorized Township Official may inspect a portion of a rental complex when conducting a periodic inspection.
2. In the event the Authorized Township Official inspects a portion of a rental complex as set forth in subsection (1), the following shall apply:
 - a. A minimum of 1/3 of the total number of rental units contained within a rental complex shall be inspected annually such that all rental units within any rental complex shall be inspected at least once every three year period.
 - b. The rental units annually inspected which comprise 1/3 of the total number of rental units, as set forth within subsection (a), shall be selected at random.

- c. The Authorized Township Official reserves the right to increase the number of rental units inspected should significant code violations be found or if the Authorized Township Official has reasonable cause to believe other violations exist in the un-inspected rental units.
- d. The fees associated shall apply as set forth within Sections 4-119 and 4-123 herein.

SECTION 4-118 REGISTRATION, EXPIRATION, AND RE-REGISTRATION

All residential rental properties within Delta Charter Township shall be registered with the Building Department within ninety (90) days from the adoption of this ordinance. Thereafter, all residential rental properties shall be registered once every three (3) years, or with change in ownership, at least thirty (30) days before the expiration date assigned by the Township, following the same requirements set forth in Section 4-116.

SECTION 4-119 VIOLATIONS, NOTICES, AND INSPECTIONS

a. Violations Not Imminently Dangerous

Upon inspection by an Authorized Township Official, if a violation of a code is discovered, but the violation is deemed by the Official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner in accordance with the applicable codes and ordinances. The owner shall be advised of the time period to correct the violation.

b. Reinspection and Fees

Reinspections of a rental property shall occur on the date specified on the violation notice, or sooner if requested by the owner and Township scheduling permits such inspection. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties. A fee as established by resolution of the Delta Charter Township Board shall be charged for each reinspection after the first reinspection.

c. Schedules

Time schedules for the correction of violations shall be reasonable as determined by the Authorized Township Official. Correction periods exceeding sixty days

require an application for extension be filed by the Owner or his/her designee and approved by the Building Official.

SECTION 4-120 VACATION OF RENTAL DWELLINGS OR CAUSE TO HAVE VIOLATIONS REMEDIED

a. Violations That Threaten Life Limb or Property

If upon inspection of a rental property the Authorized Township Official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the Official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately in accordance with applicable codes.

b. Notices and Orders

All notices and orders of the Building Department shall be in accordance with Section 107 of the International Property Maintenance Code and/or the ordinances of Delta Charter Township.

SECTION 4-121 VIOLATIONS AND PENALTIES

Failure to Comply with Requirements of this Ordinance

Any person, person, firm or corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any provision of this ordinance, or who shall hamper, impede or interfere with the performance of the duties of any authorized Township official or agent of the official or other officer under the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine not to exceed five hundred dollars (\$500) plus court costs. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. Abatement shall not be considered as payment or part of a violation's penalty. Any and all costs (including the Township's attorney and consultant fees) incurred by the Township as a result of enforcement under this ordinance may be recoverable if the Township prevails as determined by the court.

SECTION 4-122 TRANSFER OF RENTAL PROPERTY REGISTRATION AND CHANGE OF STATUS

a. Registration Transfers and Fees

A purchaser or a rental property shall cause a registration to be transferred upon the sale of a rental property. The new owner shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above shall be provided to the Township by the new owner or the real estate closing institution within thirty (30) days of closing the sale. There is no fee for transferring registration.

b. Existing Violations

It shall be unlawful to sell a rental property having outstanding violations unless the 'Transfer of Ownership' stipulations of the International Property Maintenance Code, as amended have been satisfied.

c. Change of Status

If a dwelling previously used as a rental property is no longer to be used as a rental property, a statement and affidavit to this effect must be provided to the Delta Charter Township Building Department. No inspections or transfer shall be required.

SECTION 4-123 MISCELLANEOUS PROVISIONS

a. Building and Trade Permits

Owners shall procure the appropriate building, mechanical, plumbing, and/or electrical permits from the Building Department for all corrections requiring such permits. Those violations discovered which require such permits will require a reinspection by a licensed and certified Delta Charter Township building or trade inspector. All State of Michigan and local licensing requirements must be observed.

b. Fees

1. Owners shall be required to pay a fee for registration and for any inspections, including re-inspections. If an owner and/or his agent fail to coordinate access to a rental property for any reason for inspection or reinspection, the owner may be subject to no show/reinspection fees. The Township Board shall establish by resolution and publish a schedule of fees. Registration fees shall be paid at the time of registration. Inspection and re-inspection fees shall be paid at the time of registration and re-registration.
2. In the event the Authorized Township Official inspects or re-inspects a portion of a rental property as set forth herein, the fee associated with that inspection may be calculated to reflect the portion of rental units inspected.
3. All fees under this Division must be paid at the Delta Township Administration Building. The Authorized Township Official may not accept payment while conducting an inspection under this Division.
4. A failure to pay any fee required by this Division shall constitute a violation of this Division and be subject to fines and costs as set forth herein. In addition, if any owner fails to pay any fees required by this Division at the time said fees are due an administrative service fee as established by the Township Board by resolution may be assessed.

5. Any unpaid fee and/or cost under this Division may be collected by the Township as allowed by law.

2. Severability. If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

3. Repeal. All ordinances and resolutions, or parts of ordinances and resolutions, of the Charter Township of Delta inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

4. Effective Date. This ordinance shall take effect upon final publication as required by law.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

JOSEPH E. DROLETT, TOWNSHIP SUPERVISOR

I, Janice Vedder, Clerk of the Charter Township of Delta, Eaton County, Michigan hereby certify that the foregoing is a complete ordinance adopted by the Township Board at their regular meeting held on Tuesday, September 5, 2006.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

Introduced by Township Board	April 3, 2006
Published following first reading:	
Grand Ledge Independent	April 9, 2006
Delta Waverly Community News	April 9, 2006
Adopted by Township Board	September 5, 2006
Published following final reading:	
Grand Ledge Independent	September 10, 2006
Delta Waverly Community News	September 10, 2006