

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 141
Adopted: June 14, 2018

**AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE OF THE PROPERTY OWNERS, RESIDENTS AND
VISITORS OF CHIKAMING TOWNSHIP BY ESTABLISHING A RENTAL
REGISTRY AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF**

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Legislative Intent.

In order to provide the Township's Public Safety Personnel with additional information to ensure compliance with legal useage of properties throughout the Township, and to protect the health, safety, and welfare of rental property occupants as well as the community at large, the Township requires more and better information and regulation of rental properties. The adoption of a rental registry will provide information on the quantity and location of rental properties throughout the Township and provide valuable information to Public Safety personnel in ensuring compliance with the provisions of the Township's ordinances.

Section 2. Definitions.

All terms used in this Ordinance shall have the meanings set forth below regardless of any inconsistent provisions elsewhere in Township ordinances. Any terms not specifically defined herein shall be defined by common useage.

BUILDING INSPECTOR

The person holding the position of Building Inspector for the Chikaming Township or her designee.

DWELLING UNIT

A building or part of a building where the unit consists of one or more rooms with provisions for cooking, living, sanitary and sleeping facilities designed exclusively for residential use and arranged or intended to be occupied by one individual household or family living independently of other individual households or families.

FAMILY

- A. The following shall constitute a family hereunder:
 - (1) Any number of persons occupying a dwelling unit, provided that all are related by blood, marriage or legal adoption and provided that they live and cook together as a single housekeeping unit; or
 - (2) Any number of persons not exceeding four occupying a dwelling unit and living and cooking together as a single housekeeping unit, where not all are related by blood, marriage or legal adoption.
- B. A group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a family.

C. A group of unrelated persons numbering more than four and occupying a dwelling unit shall be presumed not to constitute a family. This presumption can be overcome only by a showing that:

- (a) The group is one which in size, function and structure resembles a traditional family unit.
- (b) The group will live and cook together as a single housekeeping unit.
- (c) The group is of a permanent nature and is neither a framework for transient or seasonal living nor merely an association or relationship which is transient or seasonal in nature.

and therefore the group constitutes the functional equivalent of a family. A determination as to the status of such group may be made in the first instance by the Building Inspector or, on appeal from an order, requirement, decision or determination made by him, by the Township Board..

IMMEDIATE FAMILY

The owner's spouse, children, parents, siblings, grandparents or grandchildren.

OWNER

Any person, individual, association, entity or corporation whose name is listed as grantee on the last deed, or as vendee on the last land contract or memorandum of sale, of record for the property, as recorded with the Berrien County Register of Deeds Office.

PERSON

Includes any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

PUBLISH

Promulgation of an available rental property to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign, website, or electronic media.

RENT

A return, in money, property or other valuable consideration (including payout in kind or services or other thing of value), for the use and occupancy or the right to the use and occupancy of a rental property, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof. Rent may also be a verb used to describe the process of renting a location from an individual or renting a location to an individual.

RENTAL PROPERTY

A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. The term rental property shall include single family houses, two family houses, and apartments but shall not include:

- 1.) legally existing hotels, motels, bed and breakfasts providing short term transient accommodations;
- 2.) any affordable or senior multifamily dwelling unit developments owned and/or managed by a not for profit organization;

TENANT

An individual who leases, uses or occupies a rental property.

Section 3. Registration Required.

A. Registration Required. It shall be unlawful for any person or entity owning, renting or leasing a rental property within the Township to rent, lease or permit the occupancy of such rental property by other than the Owner or Owner's immediate family, without having first registered the property as a rental property

with the Township Building Department by the filing of a Rental Property Registration Form or Rental Property Registration Renewal Form deemed complete by the Building Department.

B. Rental Registration Number Required.

- i.) It shall be unlawful for any person or entity owning, renting or leasing a rental property within the Township to rent, lease or permit the occupancy of such rental property by other than the Owner or Owner's immediate family, without first obtaining a Rental Registry Number from the Building Department for the specific premises used as a rental property.
- ii.) It shall be unlawful for any person to use a rental property that does not have a valid Rental Registry Number from the Building Department for the specific premises used as a rental property.

C. Rental Registration Update required. It shall be unlawful for any person or entity owning, renting or leasing a rental property within the Township to rent, lease or permit the occupancy of such rental property by other than the Owner or Owner's immediate family, without having filed a Rental Registration Form if there shall be a change in ownership as set forth in Section 4., C., of this Ordinance.

D. Use Prohibited. It shall be unlawful for any person or entity to use or occupy a rental property without that property being validly registered as a rental property with the Township Building Department.

Section 4. Registration Process.

A. Rental Property Registration Form. Rental Property Registration Forms shall be made in a sworn or affirmed writing by the property owner to the Building Department on a form provided therefore. To the extent the Township may make online registration available, applicants may utilize such system. Such application shall, at a minimum, set forth:

1. The names, physical addresses, mailing addresses and telephone numbers of the property owner(s);
2. The name, physical address, mailing address and telephone numbers of an agent designated by the owner to act in her stead, if any;
3. The street address and Berrien County property number of the rental property;
4. The number of rooms, the number of bedrooms, and the maximum number of permitted tenants;
5. A completed Rental Unit Affidavit of Condition, in a form approved by the Township, attested to by the property owner or the owner's agent;
6. Verification that each rental unit is provided with sufficient commercial trash removal services and covered trash bins.
7. The number of available, legal parking spaces.

B. Rental Registration Number. Upon filing of a Rental Property Registration Form or Rental Property Renewal Form and it being deemed complete by the Building Department, and the filing of the Registration Fee, each rental property will be assigned a unique Rental Registration Number for the rental property.

C. Change in ownership. A change in ownership of the rental property shall not void the Rental Registration Number. Any new owner shall file a new Rental Property Registration Form.

D. Registration and Update Fees. All fees are non-refundable and the registration fee, renewal registration fee, and registry update fee shall be in an amounts established by the Township Board by Resolution and amended from time to time as the Board may deem appropriate. All fees shall be paid upon the filing of a Rental Property Registration Form or Rental Property Renewal Form.

E. Presumption of Rental Occupancy. Any single family residence, or any other premises subject to the provisions of this Ordinance, shall be presumed to be a rental property if such premises are not occupied by the legal owner thereof. This presumption shall be rebuttable.

F. Maintenance of Registry. It shall be the duty of the Building Department to maintain the Rental Property Registry pursuant to this section. Such register shall include the property number, Rental Property Registration Number, street address showing the name and address of the owner, the number of conventional bedrooms in the structure at such street address, and the number of persons allowed to occupy that structure.

G. Rental Registration Term. The registration of a rental property will expire February 1, the third year after the date that the registration form is deemed complete by the Building Department. Renewals shall be processed on or about February 1, of each year.

H. Rental Property Registration Renewal Form. Rental Property Registration Renewal Forms shall be made in writing by the property owner or rental property manager to the Building Department on a form provided therefore. Owners and rental property managers are responsible to know of the requirement to renew rental registrations every three years and submit the proper paperwork and applicable fees no later than February 1 of the year of expiration. To the extent the Township may make online registration available, applicants may utilize such system. Such application shall, at a minimum, set forth:

1. The names, physical addresses, mailing addresses and telephone numbers of the property owner(s);
2. The name, physical address, mailing address and telephone numbers of an agent designated by the owner to act in his/her stead, if any;
3. The street address and Berrien County property number of the rental property;
4. The number of rooms, the number of bedrooms, and the maximum number of permitted tenants;
5. A completed Rental Unit Affidavit of Condition, in a form approved by the Township Building Department, attested to by the property owner or the owner's agent.
6. Verification that each rental unit is provided with sufficient commercial trash removal services and covered trash bins.
7. The number of available, legal parking spaces.

Section 5. Presumptive Evidence Dwelling Unit Is Being Used as Rental Property.

A. The presence or existence of any of the following shall create a presumption that a dwelling unit is being used as a rental property:

- (1) The property is occupied by someone other than the owner or his/her immediate family;
- (2) Voter registration, motor vehicle registration, a driver's license, or any other document filed with a public or private entity which states that the owner of the rental property resides at an address other than the rental property;
- (3) Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner;
- (4) Persons residing in the dwelling unit represent that they pay rent to occupy the premises;
- (5) A dwelling unit which has been published as being available for rent or lease.

B. The foregoing may be rebutted by evidence presented to the enforcement authority or any court of competent jurisdiction.

Section 6. Presumptive Evidence of Multifamily Occupancy.

A. It shall be presumed that a single or one family dwelling unit is occupied by more than one family if any two or more of the following features are found to exist on the premises:

- (1) More than one mailbox, mail slot or post office address;
- (2) More than one gas meter;
- (3) More than one electric meter annexed to the exterior of the premises;
- (4) More than one doorbell or doorway on the same side of the dwelling unit;

- (5) More than one connecting line for cable television service;
- (6) More than one antenna, satellite dish, or related receiving equipment;
- (7) There are more than four motor vehicles registered to the dwelling;
- (8) There are separate entrances for segregated parts of the dwelling;
- (9) There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;
- (10) There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among the owner and/or occupants and/or persons in possession thereof;
- (11) Any occupant or person in possession thereof does not have unimpeded and/or lawful access to all parts of the dwelling unit; hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;
- (12) Two or more kitchens, each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;
- (13) There are bedrooms that are separately locked.

B. If any two or more of the features set forth in Subsection A(1) through (13) directly above, are found to exist on the premises by the enforcement authority or Township personnel engaged in the enforcement of the provisions of this Ordinance, a verified statement will be requested from the owner of the dwelling unit by the enforcement authority that the dwelling unit is in compliance with all of the provisions of Chikaming Township Ordinances, the laws and sanitary and housing regulations of the Berrien County, and the laws of the State of Michigan. If the owner fails to submit such verified statement, in writing, to the enforcement authority within 10 days of such request, such shall be deemed a violation of this Ordinance.

Section 7. Presumptive Evidence of Owner's Residence.

A. It shall be presumed that an owner of a rental property does not reside within said rental property if any of the following sets forth an address other than that of the rental property:

- (1) Voter registration;
- (2) Motor vehicle registration;
- (3) Driver's license; or
- (4) Any other document filed with a public or private entity.

B. The foregoing may be rebutted by evidence presented to the enforcement authority or any court of competent jurisdiction.

Section 8. Presumptive Evidence of Over-occupancy.

A. It shall be presumed that a bedroom is over-occupied if the number of occupants in a bedroom exceeds four (4) occupants.

B. The foregoing may be rebutted by evidence presented to the enforcement authority or any court of competent jurisdiction.

Section 9. Inspection Information and Requirements

The current edition of the International Property Maintenance Code shall be the document that determines what conditions or situations shall be addressed and considered violations of the required maintenance and upkeep of all rental units. An inspection of each rental property or rental unit may be performed by the Township at the discretion of the Township. Prior to the inspection, the owner(s)/manager(s) will be given a minimum notice of five (5) business days. Notice may be delivered by email, postal services or facsimile.

Each individual rental property or unit shall have:

- (1) a minimum of one (1) properly charged and maintained type ABC residential fire extinguisher, minimum capacity of four (4) pounds or greater; and
- (2) a working smoke alarm:
 - (a) on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms,
 - (b) in each room used for sleeping purposes, and
 - (c) in each story within a dwelling unit, including basements.
- (3) a working carbon monoxide detector in each story within a dwelling unit, including basements. All carbon monoxide detector shall be of the type described in MCL 125.1504f.

A basement or below grade level area shall not be used for sleeping purposes unless it has an approved emergency egress inspected and approved by the Building Department.

Section 10. Penalties for Offenses.

Any owner, manager or agent who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction.

Repeat offenses shall be subject to an increased civil fine as follows:

- (1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

Each separate violation of this Ordinance constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.


In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

Section 11. Conflicting Ordinances


All ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 12. Adoption

This ordinance was enacted on the 14th day of June, 2018, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 31st day of July, 2018, the same being more than thirty (30) days after the date of publication..


Paula Dudiak, Clerk
Township of Chikaming

Attest:


David A. Bunte, Supervisor
Township of Chikaming

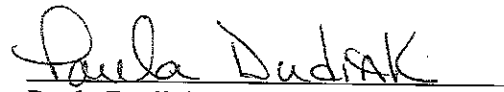
CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 141, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 14th day of June, 2018. I further certify that Marske moved the adoption of said ordinance and Rettig supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Sullivan	_____	<u> X </u>	_____	_____
Marske	<u> X </u>	_____	_____	_____
Rettig	<u> X </u>	_____	_____	_____
Dudiak	<u> X </u>	_____	_____	_____
Bunte	<u> X </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 22nd day of June, 2018, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that a synopsis of the foregoing ordinance was published in full in the Harbor Country News, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 29th day of June, 2018.

Dated: June 22, 2018


Paula Dudiak, Clerk
Township of Chikaming