

CHARTER TOWNSHIP OF KALAMAZOO

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 551

As amended by Ordinance No. 622, effective April 22, 2020

**KALAMAZOO CHARTER TOWNSHIP
RENTAL PROPERTIES REGISTRATION, MAINTENANCE
AND INSPECTION ORDINANCE**

An Ordinance to regulate the condition of rental housing units; to provide for the registration of rental dwellings; to provide civil sanctions and remedies for violation of this Ordinance; and to repeal any ordinance or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KALAMAZOO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall hereafter be referred to and cited as the "Kalamazoo Charter Township Rental Properties Registration, Maintenance and Inspection Ordinance."

SECTION II

PURPOSE

The purpose of the within Ordinance is to protect the health, safety and general welfare of the residents and property owners within the Township by requiring the registration of all rental dwellings and requiring certain minimum standards to be maintained with respect to the condition of rental dwellings within the Township which, because of absentee ownership, may tend to become in disrepair, unsightly, unsafe, or unsanitary.

SECTION III

DEFINITIONS

For purposes of this Ordinance, the terms set forth below shall have the following meanings:

1. The terms and definitions of “dwelling”, “dwelling unit”, “one-family dwelling”, “two-family dwelling”, “multiple dwelling” and “family” as set forth in the Kalamazoo Charter Township Zoning Ordinance are incorporated herein by reference. Additionally, the term “dwelling” shall for purposes of this Ordinance be deemed to include a mobile home regardless of whether it meets all of the standards set forth in the definition of “dwelling” in the Kalamazoo Charter Township Zoning Ordinance.

2. “Building Official” shall mean the Building Official of the Charter Township of Kalamazoo.

3. “Person” shall mean an individual, corporation, partnership, limited liability company or other legal entity.

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

5. “Rental housing unit” shall mean a dwelling unit in which one or more occupants thereof are not the owner(s) of the premises on which the unit is situated and consideration is paid in exchange for the right to reside therein (i.e., a dwelling unit which is not solely occupied by the owner of the premises and his/her family).

6. “Township” shall mean the Charter Township of Kalamazoo.

SECTION IV

REGULATIONS

It shall hereafter be unlawful for any owner of a rental dwelling, regardless of the nature of the ownership thereof, to lease or rent the same during any period that it fails to meet the following minimum standards:

A. The minimum requirements of the Michigan Construction Code to the extent the Code is applicable thereto or, in the case of a mobile home, the mobile home construction standards that are applicable to the mobile home under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 to 5426, or standards or codes to which the mobile home was constructed if it was

constructed before application of the National Manufactured Housing Construction and Safety Standards Act of 1974.

B. Does not constitute a dilapidated, unsafe or dangerous building under the provisions of the Kalamazoo Township Dangerous Buildings Ordinance.

C. Its roof, walls, windows and doors are substantially leak and weather proof so as to prevent drafts and interior abnormal moisture.

D. It is furnished with an operable and safe furnace or heating system adequate to maintain the premises at a temperature of not less than 68 degrees Fahrenheit during sub-zero weather conditions.

E. It is supplied with plumbing and sanitary sewage systems in proper working condition and without consequent pollution or contamination. All electrical systems and wiring must be in proper working order and adequate for the electricity service expected therefrom.

F. An adequate sanitary supply of water is available within the rental dwelling free of any contamination or pollution.

G. An adequate supply of hot, potable water shall be available within the interior of the rental dwelling for the convenient and safe use of all the occupants thereof.

H. The entire premises shall be free of any hazardous or unsafe condition caused by any structural failure, deterioration or disrepair, unguarded openings or unhealthful or unsanitary activities or circumstances which would be injurious to the occupants thereof or to any other persons in or property in and about the premises.

SECTION V

REGISTRATION

A. No dwelling shall be leased or occupied in whole or in part for rental purposes unless it is first registered with the Township as provided in this Ordinance.

B. A separate registration and fee shall be required for each building within a multi-building complex. .

C. Occupancy of any dwelling by anyone other than the owner of record and his/her family shall be presumed to require registration under this Ordinance.

1. This presumption may be rebutted by evidence that the occupant has ownership equity of 25% or more of the fee or life estate evidenced by:

- (a) A recorded deed, or;
 - (b) A recorded land contract; or
 - (c) An unrecorded land contract with supporting evidence that it was not entered into in order to circumvent the requirements of this Ordinance, including subsequent recordation.
2. Occupants of any dwelling claiming any form of ownership, in accordance with a land contract, option to purchase or any other legal instrument shall provide proof that the transfer of ownership is supported by substantial equity interest in the property by the person or persons claiming ownership.
3. Owner-occupied units of a duplex or tri-plex shall not require registration; however separate units which are rented shall be registered as provided herein.

D. Applications for Rental Registration shall be submitted to the Township Treasurer or his/her designee along with an Application Fee established by resolution of the Township Board, which shall approximate the costs to the Township of maintaining the registration program and which is separate from Construction Code Enforcing Agency inspection fees. The Rental Registration application shall be made on forms provided by the Township. The forms shall be signed by the owner or the owner's legal agent, if any, and include the following:

1. Name, driver's license or state identification number (or, in the case of a corporation, the corporate ID number), permanent home address, and business and home telephone number of:
 - (a) The owner;
 - (b) The legal agent designated by the owner, if any; and
 - (c) The resident agent, individual partner, or managing member of any business entity.
2. The street address(es) of the rental dwelling.
3. The Zoning District classification within which the rental dwelling is located.
4. The number and location of off-street parking spaces available for the rental dwelling.
5. The number of rental housing units and the number of habitable sleeping rooms contained on each floor within each rental housing unit.

6. A declaration that the maximum number of tenants the owner will allow to occupy the rental dwelling will not exceed the number permitted by the building code and zoning ordinance.
7. An agreement by the owner to permit the inspections provided for under this Ordinance.
8. Any other relevant information required by resolution of the Township Board.

E. A Rental Registration application shall not be accepted by the Township Treasurer unless it is signed in ink and accompanied by the application fee. The Township Treasurer shall within fifteen (15) days of receipt notify the applicant of any deficiencies of the application which prevent its acceptance.

F. Rental Registration does not constitute approval of the rental dwelling or any specific uses and such rental dwelling and uses remain subject to the requirements of all Township ordinances. A building code inspection to establish compliance with the standards contained in this ordinance shall be required for all first-time registrants. Such inspection shall be made by the Construction Code Enforcing Agency or its designee. Units which were previously registered, but which have been unregistered for a period of one or more years shall require an initial building code inspection.

G. All Rental Registrations shall expire on October 1, 2010, and every two years thereafter. A Rental Registration Renewal Application shall be submitted to the Township Treasurer or his/her designee prior to expiration and shall be submitted and acted upon using the same process as set forth in subparagraphs C and D above. The Township Treasurer or his/her designee shall send an application for renewal to the owner or legal agent, if any, at least thirty days prior to expiration. In the event of a transfer of ownership, the Registration shall expire and the new owner shall immediately submit to the Township Treasurer or his/her designee an application for Rental Registration. All separate buildings within a multi-unit complex shall be required to provide a separate registration application and fee commencing on October 1, 2020.

H. The owner or legal agent, if any, shall notify the Township Treasurer or his/her designee of any change of the mailing address and telephone number of the owner within ten (10) working days of the date of the change.

I. The owner shall notify the Building Official or his/her designee of any change in the owner's designated legal agent, including the name, mailing address and telephone number within ten (10) working days of the date of the change.

SECTION VI

REGULATIONS, TENANTS

It shall hereafter be unlawful for any tenant of any rental dwelling, regardless of the terms and conditions of any lease and rental agreement to the contrary, to engage in any unusual, abnormal, hazardous, malicious or neglectful activity within or upon the premises let which would cause the same to be unrentable under the provisions of Section IV, hereof or a general nuisance in the neighborhood within which the same is located under Michigan law.

SECTION VII

INSPECTIONS

Authority to inspect. The Construction Code Enforcing Agency and/or its designee shall have the authority to inspect any rental housing unit at the request of a landlord or tenant. In addition, the Construction Code Enforcing Agency may conduct an inspection of a rental dwelling, including all individual units within a multi-unit building if the building official has a reasonable suspicion that the rental dwelling or any portion thereof is in violation of this Ordinance. The Construction Code Enforcing Agency shall make initial inspection of all new rental units and renewed rental units as described in Section V.F. of this Ordinance. The Construction Code Enforcing Agency shall additionally have cause to inspect each rental unit in a rental dwelling including each unit in a multi-unit building if there are three (3) or more verified violations (separated by time or unit) of Section IV of this Ordinance over the two (2) year inspection period

Rental Inspection Fees. Rental property inspection fees by the Construction Code Enforcing Agency are charged per rental unit to the Township. The Township shall be reimbursed by the owner of each said unit for any inspection fee incurred for that unit. The Township Board shall, by resolution, establish the rental property inspection fees approximating that charged by the Construction Code Enforcing Agency. Inspection Fees incurred by the Township shall be invoiced to the registered owner of the building and shall be paid within 30 days. Failure to pay an inspection fee shall be deemed to be a violation of this Ordinance.

SECTION VIII

APPEAL TO THE CONSTRUCTION BOARD OF APPEALS

Any property owner or tenant aggrieved by a decision or order of the Building Official or his/her designee made under this Ordinance, shall have the right to appeal such action to the Township Construction Board of Appeals. Such appeal shall be filed in writing at the Township Hall within ten (10) days of the action being appealed. Any such appeal shall temporarily stay the effect of a notice of violation until said appeal has been determined by the Construction Board of Appeals. The Construction Board of Appeals shall have the right to affirm, reverse or modify the decision or order being appealed.

SECTION IX

Any person, firm, association, partnership, corporation or entity that violates any of the provisions or requirements of this ordinance, including but not limited to failing to register or failing to pay an inspection fee within 30 days after invoicing, shall be deemed responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense within a 3 yr. period*	-\$ 75.00	\$500.00
-2 nd Offense within a 3 yr. period*	-\$150.00	\$500.00
-3 rd Offense within a 3 yr. period*	-\$325.00	\$500.00
-4 th or more Offense within a 3 yr. period*	-\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, to which Kalamazoo Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 be ordered. In addition, the Township shall have 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. Each day that violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

SECTION X

VALIDITY

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 such ordinance which shall continue in full force and effect.

SECTION XI

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including but not limited to, the prior Kalamazoo Township Rental Properties Maintenance Ordinance (Ordinance No. 218, as amended) are hereby repealed except as otherwise provided herein.

SECTION XII

EFFECTIVE DATE

This Ordinance shall take effect immediately following publication after adoption.

KALAMAZOO CHARTER TOWNSHIP