

KOCHVILLE TOWNSHIP
COUNTY OF SAGINAW
ORDINANCE NO. 15-02

AN ORDINANCE TO AMEND KOCHVILLE TOWNSHIP CODE OF ORDINANCES, TO INCLUDE THE
KOCHVILLE TOWNSHIP RENTAL HOUSING ORDINANCE,
TO PROVIDE FOR REGULATING RENTAL PROPERTY WITHIN THE TOWNSHIP.

NOW THEREFORE, KOCHVILLE TOWNSHIP ORDAINS THE FOLLOWING:

Rental Housing Ordinance

SECTION 1. PURPOSE CLAUSE

It is the purpose of this article to provide for the registration and upkeep of rental property, to help eliminate blight conditions, to prevent deterioration of rental properties, to prevent decrease in property values, to insure rental properties are in compliance with building and other codes, and to ensure safe habitation of persons residing in rental units.

SECTION 2. DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The Community Development Department or any successor department or division that may be established.

DWELLING. A non-owner occupied dwelling as defined in the most recent state building code or the state residential code, as promulgated by the state Construction Code Commission, including all amendments and supplements; and any accessory building or structure defined under the housing law for the state and/or Kochville Township's zoning ordinance, as amended.

OWNER. The owner(s) of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a dwelling, or his/her/its agents, servants, or employees.

OCCUPANT. In determining total occupancy of a unit, **OCCUPANT** shall mean any individual who inhabits the unit for more than 24 hours. (Time does not have to be consecutive.)

SECTION 3. REGISTRATION FOR RENTAL OR LEASE OF DWELLINGS

It shall be unlawful for an owner to rent or lease a dwelling unless a registration certificate has been issued and maintained for the dwelling in the manner required by this subchapter.

SECTION 4. APPLICATION FOR REGISTRATION

The department shall receive applications for the registration of dwellings under the provisions of this subchapter upon forms provided by the department. The application shall be signed by the owner of record, notarized, and attached to the dwelling(s) to be registered. The application shall be accompanied by a registration fee in such amount as the Kochville Township board shall from time to time establish by resolution.

SECTION 5. INSPECTION REQUIRED FOR REGISTRATION, CERTIFICATION OF COMPLIANCE

The owner of the dwelling identified in the application shall submit a Certification of Compliance certifying that the owner has made the required inspection as provided for on the registration application and that the home is in compliance with all applicable codes in effect, including the International Property Maintenance Code, the state building code, the state residential code, the state electrical code, the state mechanical and plumbing codes, and the Township's zoning ordinance, as amended, and is fit for occupancy.

SECTION 6. ISSUANCE OF REGISTRATION CERTIFICATE

After receiving the application, the "Certification of Compliance" inspection form and the fee for registration, the department shall issue to the applicant a registration certificate, which shall be valid for two (2) years. The registration certificate shall be in the name of the owner and cannot be transferred.

SECTION 7. MAINTENANCE OF REGISTERED DWELLINGS

The owner of the dwelling registered under the provisions of this subchapter shall maintain the dwelling and property in compliance with the above-stated codes, and township zoning ordinance. Should the owner fail to maintain the dwelling in compliance with said codes, and ordinances, the registration certificate may be suspended or revoked or subject to other sanctions by the department, as authorized by law, including bringing such violation before the court. Other sanctions may include removal of the occupants depending on the nature of the violation. The owner shall be given notice, in writing, of the determination and the reasons for the determination. If applicable, the owner may be given a time specified by the department to rectify the violations. The notice shall be sent by first-class mail to the address listed on the owner's application form.

SECTION 8. INSPECTION BY THE DEPARTMENT IN RESPONSE TO TENANT COMPLAINTS, RIGHT OF ENTRY

The department shall have the authority to make inspections where there is reasonable cause to believe that there exists in a structure or upon the premises a condition in violation of the above codes. Where a complaint is received by a tenant, due to failure of the owner to address and correct an alleged violation, the department shall first send out notice to the owner, when applicable and schedule a time for inspection. Where the inspection is of an emergency nature due to an unsafe condition, the department may inspect the property without prior notice. An unsafe condition may be cause for the immediate vacating of the dwelling until such time as the unsafe condition can be corrected.

SECTION 9. APPEAL OF DENIAL, SUSPENSION, OR REVOCATION OF REGISTRATION CERTIFICATE

(A) Should the department determine that the dwelling is not in compliance, and for that reason deny, suspend, or revoke a registration certificate; the owner shall have the right to appeal such determination in the following manner:

(1) The owner shall file the appeal with the Township, in writing, within 15 days of the date of the department's determination. Filing of the appeal shall stay any suspension or revocation of a registration certificate but not any action brought before the court of which the court has jurisdiction. The appeal shall contain a short and plain statement of the matter(s) asserted by the owner, including factual and legal bases upon which the owner relies.

(2) Upon receipt of the appeal, the Board of Appeals shall schedule a hearing and provide notice of the hearing to the owner by sending written notice by first-class mail to the address listed on the owner's application form. The owner may appear at the hearing in person, or by representative. If the owner or representative fails to appear at the hearing after proper notice, the Board of Appeals may proceed with the hearing and issue a decision. The owner shall be given an opportunity to present evidence and arguments on issues of law and fact.

(3) Within a reasonable period after the hearing is concluded, the Board of Appeals shall issue a final decision, in writing, setting forth its findings. A copy of the decision shall be sent by first-class mail to the address listed on the owner's application form, or to the representative that appeared at the hearing.

(4) The Board of Appeals shall:

(a) Affirm the determination of the department; or

(b) Reverse the determination of the department and order the issuance or reinstatement of a registration certificate.

(B) The Board of Appeals shall have no power to vary or modify any code, law, or ordinance nor may it vary or modify the procedures herein provided.

SECTION 10. ALL CHARGES PAID

No license shall be issued if there are any outstanding delinquent water or sewer charges owing to the Township, and until such charges are paid full or as may be permitted by the Township through a payment arrangement.

SECTION 11. PENALTY

Any violation of this chapter or any part thereof shall be punishable by a civil infraction. 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 chapter, including cessation of the non-complying rental housing unit and legal fees incurred by the township in enforcing this chapter.

Motion by Trustee Thon and seconded by Supervisor Loiacano to adopt Ordinance No. 15-02.

YEAS: Supervisor Loiacano, Clerk Machata, Treasurer Brewster, Trustee Ferrell and
Trustee Thon


NAYS: None

ABSTAINS: None

ABSENT: None



James Loiacano, Supervisor
Kochville Township



Kevin Machata, Clerk
Kochville Township