

KALAMAZOO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 622

ADOPTED: _____

EFFECTIVE: _____

An ordinance to amend the Rental Properties Maintenance Ordinance (Ordinance No. 551) to change the title; to require registration and fees for each building within a multi-building complex; to require that the landlord pay inspection fees; to provide for penalties for non-payment of inspection fees; and to provide an effective date.

**THE CHARTER TOWNSHIP OF KALAMAZOO,
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

AMENDMENT TO ORDINANCE NO. 551, SECTION V. "REGISTRATION"

- A. Subsection A. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended in its entirety to read as follows:
- "No dwelling shall be leased or occupied in whole or in part for rental purposes unless it is first registered with the Township as provide in this Ordinance. "
- B. Subsections D through H of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance" is are hereby re-lettered in their respective order to Subsections E. through I., with the new Subsection I containing the wording from the Ordinance's Subsection H therein.
- C. Subsection C of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance" is hereby re-lettered to Section "D".
- D. Subsection B of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance" is hereby re-lettered to Section "C".

- E. Subsection B. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance" is hereby amended to read as follows:

"A separate registration and fee shall be required for each building within a multi-building complex, such as an apartment complex."

- F. Subsection C. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended by adding subsection 3, to read as follows:

"3. Owner-occupied units of a duplex or triplex shall not require registration; however separate units which are rented shall be registered as provided herein."

The remainder of subsection C shall remain unchanged.

- G. 1. The first sentence of Subsection D. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended to read as follows:

"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."

2. Subsection 6 of Subsection D. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended to read as follows:

"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."

- H. Subsection E. of Section V. "Registration" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended by the addition of the following sentence at the end of the subsection, which shall read as follows:

"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."

- I. A new sentence is hereby added the end of Subsection G. of Section V. "Registration" of Ordinance No. 5512 "Rental Properties Maintenance Ordinance" to read as follows:

"All separate buildings within a multi-unit complex shall be required to provide a separate registration application and fee commencing on October 1, 2020."

The remainder of subsection G. shall remain unchanged.

SECTION 2
AMENDMENT TO ORDINANCE NO. 551, SECTION IX

The first paragraph of Section IX "Sanctions" of Ordinance No. 551 "Rental Properties Maintenance Ordinance", is hereby amended to read as follows:

"Any person, owner, landlord, or company or corporation who 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 to be responsible for a municipal civil infraction as defined by a civil fine in accordance with the following schedule: "

The remainder of Section IX shall remain unchanged.

SECTION 3
AMENDMENT TO SECTION 1 "TITLE" OF ORDINANCE

Section I "Title" of Ordinance No. 551 "Rental Properties Maintenance Ordinance" is hereby amended to read as follows;

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

SECTION 4
AMENDMENT TO ORDINANCE NO. 551, SECTION VII

Section VII "Inspections" of Ordinance No. 551 "Rental Properties Maintenance Ordinance (is hereby amended to read, in its entirety, as follows:

"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 5 **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION 6 **SAVINGS CLAUSE**

Any prosecution presently pending under a provision of Ordinance No. 551 which is amended by this ordinance for actions taken or made prior to the effective date of the amendment shall be retained and may be prosecuted to their normal conclusion under the ordinance provision as it existing prior to amendment.

SECTION 7 **EFFECTIVE DATE**

This Ordinance shall take effect the day after publication of a summary hereof, after adoption, as required by law.

Mark E. Miller, Clerk
Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49004