

ORDINANCE 58

RENTAL REGISTRATION AND INSPECTION ORDINANCE

THE VILLAGE OF MARTIN ORDAINS:

SECTION 1. PURPOSE AND INTENT

For the health and safety of tenants and for the welfare of the public, the Village of Martin recognizes the need for an organized inspection and registration program for residential rental units located within the Village in order to ensure that rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes. The Village hereby finds that the most efficient system to achieve such objectives is a program requiring the registration and inspection of residential rental units within the Village.

SECTION 2. DEFINITIONS

As used in this article, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(1) "Dwelling unit" means a building, mobile home, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities, except:

(a) Places of public accommodation such as a hotel, motel, or bed and breakfast establishments;

(b) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages);

(c) Any dwellings, dwelling units or mobile homes, which the state has exclusive authority under state law to inspect and regulate;

(d) The principal residence of the owner, which is temporarily occupied by a person(s) other than the owner for not more than two (2) years;

(e) The dwelling of a surviving spouse who is living in a home which is owned by the deceased spouse's heirs, estate or trust;

(f) A dwelling in which a parent, child, brother, or sister of an owner is living;

(g) Dwellings in a dormitory operated by an institution of higher education; and

(h) Dwelling units in which an owner of such unit resides unless the nonowner occupant(s) of such dwelling unit pays rent or makes other compensation to the owner for occupancy of the dwelling unit.

(2) "Landlord" means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

(3) "Owner" means the legal title holder of a rental unit or the premises within which the rental unit is situated.

(4) "Owner-occupied rental unit" means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

(5) "Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court. Premises means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

(6) "Rental unit" means any dwelling unit or residential structure containing sleeping units, including but not limited to apartments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term.

(7) "Responsible local agent" means a natural person having his or her place of residence in the State of Michigan and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the city.

(8) "Tenant" means any individual who has the temporary use and occupancy of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

SECTION 3. REQUIREMENTS

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Village of Martin to be occupied, unless all of the following requirements have first been met.

(1) The owner of the rental unit shall have registered the rental unit with the Village by completing and filing a current registration form with the Village.

(2) An inspection shall have been completed to the satisfaction of the Village

(3) A valid certificate of compliance shall have been issued by the Village

(4) All fees charged by the Village for the registration and inspection of the rental unit shall be paid in full.

SECTION 4. REGISTRATION

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Village to be occupied without first registering the rental unit with the Village and designating a responsible local agent.

(1) "Registration forms". Registration shall be made upon forms furnished by the building official and zoning department and shall require all of the following information.

(a) The street address of the rental unit(s);

(b) The number and types of rental units within the rental property;

(c) Name, business and residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);

(d) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;

(e) The maximum number of occupants proposed for each rental unit;

(f) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to order repairs or services for the property if different than the owner or responsible local agent, if in violation of city or state codes, if the person is other than the owner or the responsible local agent; and

(g) Information relating to the size of all habitable rooms.

(2) "Accurate and complete information". All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the properly owner(s) or the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization.

(3) "Change in registration information or transfer of property". Except for a change in the registered local agent, the property owner of a rental unit registered with the city shall re-register within thirty (30) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within thirty (30) calendar days following the transfer of the property. Property owners shall notify the Village of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within thirty (30) business days of the change. If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill

out a new registration form.

(4) "Responsible local agent". The designated responsible local agent shall be responsible for all of the following:

(a) Operating the registered rental unit in compliance with all applicable city ordinances;

(b) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Village ordinances, except where the tenant has refused entry;

(c) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and

(d) Accepting all legal notices or services of process with respect to the rental unit.

SECTION 5. INSPECTIONS.

(1) "Registration requirements". All facilities, areas and rental units governed by this article shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Village. The Village may inspect buildings and structures to secure the health, safety and welfare of the occupants and of the general public and to obtain and maintain compliance with the standards of this Ordinance.

In addition, the property owner shall provide to the Village an inspection certification report on a form as provided by the Village which is signed by a licensed mechanical contractor that the heating system is in satisfactory condition. Such an inspection certification report shall be provided when an applicant applies for a certificate of compliance and/or after it has been determined that the heating system does not meet a code requirement.

The enforcing officer may inspect residential rental units once every three (3) years without first receiving a complaint or without other cause, and in addition, may inspect the dwelling unit and other buildings and structures on the premises of a dwelling unit under any of the following circumstances:

(a) If registration and/or re-registration and certification of a rental unit is required by this article;

(b) Upon the request of an owner of a rental unit for an advisory inspection;

(c) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article;

(d) Upon receipt of a report or a referral from the law enforcement agency, other

public agency or department, or any individual indicating that the premises are in violation of this Ordinance, which report or referral is based on the personal knowledge of the person making the report or referral;

(e) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this Ordinance;

(f) Upon the enforcing officer's receipt of information that a rental unit is not registered with the Village as required by this Ordinance;

(g) Upon receiving a report or making an observation that a dwelling unit is unoccupied and unsecured or that a dwelling is damaged by fire;

(h) If there is a need to determine compliance with a notice or an order issued by the city;

(i) Annually if the dwelling unit had a problem with its heating system, hot water heater, or if five (5) or more code violations were present at the last regular inspection prior to any reinspections or at the time of a complaint inspection; or

(j) If a life safety issue or an emergency is observed or is reasonably believed to exist.

(2) "Term". A certificate of compliance is valid for three (3) years from the date of issuance. A new inspection and certificate shall not be required prior to a transfer if a certificate of compliance was issued within one (1) year prior to the transfer of title.

(3) "Transfer exemptions". For purposes of this subsection only, a sale or transfer does not include a transfer:

(a) After which the transferor retains an ownership interest in the property;

(b) The property is transferred to a trust for the benefit of the transferor; or

(c) The transfer is from a trust or estate to beneficiaries of the trust or estate without consideration.

(4) "Compliance before transfer". All major violations cited shall be corrected prior to transfer of title, unless the new owner submits a signed affidavit prior to the transfer to the building official and zoning department in which the new owner states that the new owner will assume responsibility to make the necessary corrections.

(5) "Inspection procedures".

(a) Once the Village has determined that a rental unit is in compliance with all of the ordinances adopted by the Village and state law, the inspection required for issuance of a

certificate of compliance shall be satisfied.

(b) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Village and state codes and ordinances, the building official and zoning department shall provide the registered local agent and/or owner with written notice of such violations. The building official and zoning department shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall be satisfied. If such violations have not been corrected within that period, the Village shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable Village and state codes and ordinances.

(c) If there is a complaint filed on a property with the Village, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the Village, it will require immediate compliance with the adopted property maintenance ordinance. If the complaint is not of an emergency nature, the owner will be granted an appropriate period of time to correct such violation, after which a reinspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected will be required.

(d) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(e) Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Village will charge a separate inspection fee for every inspection when the violation has not been abated or corrected as provided in this article.

(f) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and an additional inspection fee shall be charged for the actual inspection.

(g) All correction notices and appeals to correction orders shall be governed by the property maintenance code of the Village of Martin.

(6) "Transfer of ownership inspections".

(a) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance exists for the unit, then the Village shall waive the inspection if a certificate of compliance was issued within one (1) year prior to the transfer of title. The new owner shall comply with the requirements of section 6-104 of this Ordinance by re-registering the rental unit within thirty (30) calendar days following the transfer of the property.

(b) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance which is less than one (1)

year old does not exist for the unit, then the Village shall conduct an inspection within thirty (30) calendar days following the notification of the transfer of ownership. If violations of this article or any other Village ordinance or code or state code or law are found, a notice of violation shall be issued to the owner.

(c) If ownership of any rental unit is transferred contrary to subsection (f)(1) or (2) of this section, or if the new owner fails to re-register a rental unit as required by section 6-104, the property will not be in compliance with this article and the certificate of compliance and rental unit registration shall be deemed to expire within sixty (60) days of the transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance.

(d) Within thirty (30) calendar days of the transfer of ownership of a rental unit, the new owner shall notify all residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied rental unit, of the transfer of ownership.

SECTION 6. CERTIFICATE OF COMPLIANCE

(1) No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the Village to be occupied unless there is a valid certificate of compliance or temporary certificate issued by the Village for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

(a) "Requirements". A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.

(i) Registration of the rental unit with the building official and zoning department;

(ii) Designation of the responsible local agent;

(iii) Payment in full of any and all required fees for registration and inspection fees; and

(iv) Inspection by the building official and zoning department resulting in a determination that the rental unit and the property complies with all city ordinances and state law.

(b) Temporary certificates.

(i) Temporary certificates of compliance for up to three (3) years may be issued without prior inspection by the Village for those occupied rental units existing as of November 10, 2008. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following November 10, 2008, to allow property owners to operate such rental units until such time as an inspection may be made by the Village. At such time as an inspection is made and the Village has determined

that provisions of this ordinance have been complied with, the temporary certificate shall expire.

(ii) When a rental certificate of compliance is required, the Village may issue a temporary rental certificate of compliance if all of the following circumstances exist:

a. The Village is unable to complete an inspection of a rental unit to verify compliance with this Ordinance.

b. The enforcing officer is not aware of any current major violations.

c. The property owner has paid the annual registration fee and the inspection fees assessed against the property owner.

(iii) The Village may issue a temporary rental certificate of compliance for a newly registered rental unit.

(iv) The Village may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major or minor violations if the property owner is in the process of correcting such violations and can show proof of same.

(v) Except as otherwise provided, a temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. A temporary rental certificate of compliance may also be revoked by the building official if the property owner refuses to schedule and/or permit an inspection after having been given a fourteen-day notice that an inspection must be scheduled, unless the tenant has refused access to the building official.

SECTION 7. SUSPENSION AND EXPIRATION

(1) The Village may suspend a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice which was issued as the result of any required inspection, or if the responsible person fails to pay any fee as required by this article.

(2) In such event, the enforcing officer may placard the property and order that it be vacated. The Village shall reinstate a suspended certificate of compliance upon a determination that all violations are corrected and upon payment of the re-inspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three (3) years from the date of the original certificate.

(3) A certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty (60) days after such expiration date, no person shall occupy a rental unit unless a new certificate of compliance has been issued.

(4) If the Village suspends a rental certificate of compliance, or if a three-year rental

certificate of compliance has expired, then the Village shall notify the occupants) of the suspension or expiration. The notice shall inform the occupants) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupants) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.

(5) The Village shall immediately notify the owner of any decision affecting the status of a rental certificate of compliance and advise the owner of their right to appeal and the procedures therefore. A tenant shall be notified if a certificate of compliance is revoked. All appeals of a decision of the building official shall be made to the Martin Village Council, and the rules of such Council shall govern such appeals.

SECTION 8. FEES.

(1) The annual registration fee shall be fifteen dollars (\$15.00) per dwelling unit. The annual registration fee shall be owing as of June 1 of each year and/or at the time that a dwelling unit is first rented. Property owners who have dwelling units which are being rented at the time of this ordinance or who are seeking to renew the annual registrations shall be billed at least thirty (30) days prior to the due date of the annual registration fee. The annual registration fee shall not be prorated for any partial rental year.

(2) In addition to the annual registration fee, a rental inspection fee shall be charged. The rental inspection fee for the certificate of compliance shall be sixty (\$60.00) dollars for the first dwelling unit and thirty (\$30.00) dollars for each additional dwelling unit on the premises. The rental inspection fee shall be due at the time that a property owner is required to apply for a certificate of compliance and also at the time that a property owner is required to apply for a renewal of a certificate of compliance. The rental inspection fee shall be owing in accordance with the following:

(a) For one re-inspection following the initial inspection or the initial notice of deficiency, no additional fee shall be owing.

(b) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(c) If an inspection is initiated by a complaint and if a violation is found to exist, a fee of thirty-five (\$35.00) dollars shall be owing.

(d) For the second additional inspection following the initial inspection and notice of deficiency, an additional fee of one hundred (\$100.00) dollars shall be owing; and

(e) For all inspections after the second additional inspection and notice of deficiency, an additional fee of two hundred (\$200.00) dollars per inspection shall be owing. All rental inspection fees shall be paid within thirty (30) days of billing. If the rental inspection fees are not paid within such time period, then at the option of the city, the certificate of compliance shall be suspended, and the dwelling unit for which the rental inspection fee is not paid is to be vacated by the tenant(s).

SECTION 9. MAINTENANCE OF RECORDS.

All records, files and documents pertaining to the rental registration and inspection ordinance shall be maintained by the Village and made available to the public as allowed or required by state law.

SECTION 10. ENFORCEMENT AUTHORITY

(1) "Enforcing officer". It shall be the duty and responsibility of the Village to designate a building official to enforce the provisions of this Ordinance as herein provided. The term "enforcing officer" shall mean the building official or his or her duly authorized representative. The enforcing officer has authority to issue and serve appearance tickets in regard to the enforcement of this Ordinance and is hereby designated as an authorized local official to write civil infraction tickets.

(2) "Coordination of enforcement". Inspection of premises and the issuing of orders in connection therewith under the provisions of this Ordinance shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this article shall be issued without the approval of the enforcing officer.

(3) "Administrative liability". Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent or employee of the Village charged with the enforcement of this Ordinance shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Ordinance. A person who institutes or assists in a prosecution under this article shall not be liable for damages hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was responsible of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this article, shall be defended by the legal representative of the Village until the final determination of the proceedings.

(4) "Inspections". The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this article.

(5) "Right of entry". When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this article. Permission to access the premises may be granted by the owner of the premises, his or her agent, or a tenant occupying the premises or any other occupant of the premises. If there is an emergency, then the enforcing officer shall have the right to enter at any time.

(6) "Warrants for non-emergency situations". In a non-emergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the enforcing officer shall obtain a warrant from a court of competent jurisdiction. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this Ordinance and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this Ordinance and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

(7) "Access by owner". Every tenant or other occupant of a property in the Village shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

(8) "Rules and regulations". Subject to the prior approval of said rules and regulations by the Village Council, the building official may adopt rules to govern the procedures under this division and interpretation thereof. The rules shall set forth the procedures for inspections, registration of rental units, issuance of rental certificates of compliance and temporary rental certificates of compliance, proceedings affecting the status of a certificate and appeals. Copies of such rules shall also be placed on file in the office of the Village Clerk for inspection by the public.

SECTION 11. PENALTY

(1) Any person who shall violate a provision of this Ordinance, or who fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the State of Michigan and the Village of Martin.

(2) Unless otherwise provided in this Ordinance, any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, shall be responsible for a civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this article, or any omission or failure to act where the act is required by this Ordinance. Upon a finding of responsibility, a defendant shall be responsible for a civil fine for each infraction as provided for in this section, below, plus any costs, damages, expenses, and other sanctions, as authorized by state law.

(3) For a first offense, a civil fine of one hundred dollars (\$100.00) plus costs shall be levied. The civil fine for any first repeat offense shall be one hundred dollars (\$100.00) plus costs. A civil fine for any offense which is a second repeat offense or any subsequent repeat offense shall be one hundred dollars (\$100.00) plus costs. Any sanctions as authorized by state laws shall be assessed in addition to the fines. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person or entity within any twelve month period and (ii) for which the person admits responsibility or is determined to be responsible.

(4) Each day on which any violation of this article continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any section of this article which is declared to be a civil infraction.

(5) In the event that a person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the city in making the corrective action or actions.

SECTION 12. OTHER ENFORCEMENT ACTIONS.

The Village shall have the right to obtain an order of mandamus and/or an injunction so as to enforce the terms and conditions of this ordinance. All remedies which are provided by this article shall be cumulative.

SECTION 13. SEVERABILITY AND CAPTIONS.

This article and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this article.

SECTION 14. REPEAL

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. (Ord. No. 847,

SECTION 15. PUBLICATION

This Ordinance shall be published in a paper that has general circulation for the Village of Martin and County of Allegan, qualified under state law to publish legal notices, within one week after its adoption and the same shall be recorded in the Village of Martin's Book of Ordinances, and such recording authenticated by the signatures of the Village President and

Village Clerk.

SECTION 16. EFFECTIVE DATE

This Ordinance shall be effective after publication and shall take effect on _____
December 1, 2008.

Adopted on November 10, 2008.

ATTEST:

Joyce Merrill
Joyce Merrill
Village Clerk

Gary Brinkhuis
Gary Brinkhuis
Village President

I hereby certify that the foregoing ordinance was, on November 17, 2008,
published in the Penasee Globe, a newspaper circulated in teh Village
of Martin.

Joyce Merrill
Joyce Merrill
Village Clerk

Dated: November 17, 2008

VILLAGE OF MARTIN ALLEGAN COUNTY, MICHIGAN NOTICE OF ADOPTION OF ORDINANCE NO. 58

To: The Residents and Property Owners of the Village of Martin,
Allegan County, Michigan, and Any Other Interested Persons:

PLEASE TAKE NOTICE that at a regular meeting of the Village Board of Trustees held on November 10, 2008, the Board adopted Ordinance No. 58, an Ordinance for Rental Registration and Inspection.

ORDINANCE NO. 58: RENTAL REGISTRATION AND INSPECTION ORDINANCE

SECTION 1. PURPOSE AND INTENT.

For the health and safety of tenants and for the welfare of the public, the Village of Martin recognizes the need for an organized inspection and registration program for residential rental units located within the Village.

SECTION 2. DEFINITIONS.

This Section defines pertinent terms used in this Ordinance. These terms include: "Dwelling unit"; "Landlord"; "Owner"; "Owner-occupied rental unit"; "Person"; "Rental unit"; "Responsible local agent"; and "Tenant."

SECTION 3. REQUIREMENTS.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Village of Martin to be occupied, unless all of the following requirements have first been met: the rental unit shall be registered and inspected to the satisfaction of the Village; a certificate of compliance shall have been issued; All fees have been paid in full.

SECTION 4. REGISTRATION.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Village of Martin to be occupied without first registering the rental unit. Registration shall be made upon forms furnished by the building official and zoning department with all the information sought to be provided on said forms is provided.

SECTION 5. INSPECTIONS.

All facilities, areas and rental units governed by this article shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Village. The enforcing officer may inspect residential rental units once every three (3) years without first receiving a complaint or without other cause, and in addition, may inspect the dwelling unit and other buildings and structures on the premises of a dwelling unit under any of the following circumstances: If registration and/or re-registration and certification of a rental unit is required by this article; Upon the request of an owner of a rental unit for an advisory inspection; Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article; Upon receipt of a report or a referral from the law enforcement agency, other public agency or department, indicating that the premises are in violation of this Ordinance; or if the building appears dangerous. A certificate of compliance is valid for three (3) years from the date of issuance.

SECTION 6. CERTIFICATE OF COMPLIANCE.

(1) No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the Village to be occupied unless there is a valid certificate of compliance or temporary certificate issued by the Village for the rental unit.

SECTION 7. SUSPENSION AND EXPIRATION.

The Village may suspend a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice which was issued as the result of any required inspection, or if the responsible person fails to pay any fee as required by this article.

SECTION 8. FEES.

The annual registration fee shall be fifteen dollars (\$15.00) per dwelling unit. In addition to the annual registration fee, a rental inspection fee shall be charged. The rental inspection fee for the certificate of compliance shall be sixty (\$60.00) dollars for the first dwelling unit and thirty (\$30.00) dollars for each additional dwelling unit on the premises.

SECTION 9. MAINTENANCE OF RECORDS.

All records, files and documents pertaining to the rental registration and inspection ordinance shall be maintained by the Village and made available to the public as allowed or required by state law.

SECTION 10. ENFORCEMENT AUTHORITY.

It shall be the duty and responsibility of the Village to designate a building official to enforce the provisions of this Ordinance as herein provided.

SECTION 11. PENALTY.

Any person who shall violate a provision of this Ordinance, or who fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by the State of Michigan and the Village of Martin. For a first offense, a civil fine of one hundred dollars (\$100.00) plus costs shall be levied. The civil fine for any first repeat offense shall be one hundred dollars (\$100.00) plus costs.

SECTION 12. OTHER ENFORCEMENT ACTIONS.

The Village shall have the right to obtain an order of mandamus and/or an injunction so as to enforce the terms and conditions of this ordinance. All remedies which are provided by this article shall be cumulative.

SECTION 13. SEVERABILITY AND CAPTIONS.

This article and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable.

SECTION 14. REPEAL.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 15. PUBLICATION.

A summary of this Ordinance shall be published in a paper that has general circulation for the Village of Martin and County of Allegan.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall be effective after publication and shall take effect on December 1, 2008.

VILLAGE OF MARTIN
Joyce Merrill, Clerk
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