



Rental Ordinance

**Charter Township of Portage,
Houghton County, MI**

November 2017

(Version IV)

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1.1 PURPOSE

The Charter Township of Portage recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures, and for improving rental arrangements within the township. Such standards are an important factor supportive of the general health, safety, and welfare of all its citizens. This ordinance is designed to promote the continuing maintenance of quality and safe rental properties, and to enhance and maintain property values.

1.2 SCOPE

This ordinance shall apply to any structure or part thereof, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable compensation, including “free” home residency; or to any occupant therein. Such structures shall include, but not be limited to, single-family dwellings, multiple-family dwellings, housekeeping units, rooming units, rooming houses, or bedrooms as defined in the International Property Maintenance Code in its most recent version adopted by the township.

This ordinance does not apply to jails, nursing homes, school dormitories, hospitals or other health care facilities provided by legal not-for-profit agencies that are inspected, certified and/or licensed by the state, nor federally licensed and inspected properties.

This ordinance shall be governed by the N.F.P.A. No. 101 Life Safety Code and the International Property Maintenance Code, in their most recent versions adopted by the township, including definitions of applicable terms. The township will place copies of these two codes in their most recent versions at the township for public use.

1.3 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.4 TITLE

This Ordinance shall be known, cited, and referred to as the "**Charter Township of Portage Rental Ordinance**"

1.5 DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bedroom means any room or space used or intended to be used for sleeping purposes.

Certificate of compliance means a certificate issued by a township inspector denoting that the structure has undergone a safety inspection and that the structure at that time was in compliance with applicable codes.

Certificate of registration means a certificate issued by a township inspector, which denotes that the holder has registered the structure as a rental property within the township.

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Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Let for occupancy or let means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy means the period or condition for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building or having possession of a space within a building. Short term or transient occupants (guests) are not considered occupants for the purposes of this ordinance.

Operator means any duly authorized person who has charge, care or control of a structure or premises which is let or offered for occupancy. Owners must officially notify the township of any operator authorized to act on their behalf. In some situations, the owner could also be the operator.

Owner means any person having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate or any such person, and the executor or administrator of the estate or such person if ordered to take possession of real property by a court. The owner is legally responsible for both the water and sewer billings generated at his or her rental structure.

Posting. Certificates of registration and compliance shall be permanently affixed to an interior wall in a conspicuous and readable place, completely protected from the elements, and with a transparent protective cover. Certificates must be posted in a street side (address side) common entryway, except if there is no street side common entryway, then in the main common entryway, or in the case of separate private entrances, then in each private entrance to meet this requirement.

Rental structure means habitable space let to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Revocation. A certificate of compliance, revoked for cause, will render the structure unfit for habitation by renters upon the exhaustion of due process remedies. Certificates of compliance will be reinstated when a township inspector confirms the structure's condition has been brought back

into compliance with this ordinance.

Right of entry. A township inspector is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is not obtained, the township inspector is authorized to pursue administrative warrants or any other recourse as provided by law.

Rooming unit means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rooming house means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Structure means that which is built or constructed, or a portion thereof.

Township means the Charter Township of Portage, Houghton County, Michigan 49931.

Township Rental Inspector: A person or entity designated by the township responsible for inspecting and certifying compliance or non-compliance with existing township rental codes.

1.6 REGISTRATION

All dwelling units in rental structures are required to be registered with the township (See section 1.5) pursuant to this ordinance, and shall comply with the following:

- (1) All newly constructed rental structures and their dwelling units shall be registered prior to any use or occupancy as a rental structure.
- (2) All existing non-rental structures which are legally converted to rental structures shall be registered, along with their dwelling units, prior to the date on which the property is first occupied for rental purposes.
- (3) A new owner or purchaser shall register a rental structure which is sold, transferred, or conveyed from the previous owner within 30 days of the date of the sale/closing. New owners of rental structures are responsible for the completion of the registration process (see section 1.5), including all dwelling units.
- (4) A certificate of registration shall not be issued to dwelling units in rental structures with delinquent property taxes; current or past due special assessment installments; water or sewer bills outstanding; charges against the property for mowing, cleanup, weed or debris removal, or similar charges made by the township; or fees, fines, penalties, or debts of any sort arising from provisions or enforcement of this ordinance.
- (5) A certificate of registration shall not be issued to rental structures and dwelling units if the owner has been found in violation of requirements for off-street parking, as required in the township's zoning ordinance.

(6) A local operator for each rental unit is required if an owner (at least one of multiple individuals) does not reside in the county (or within 10 miles of the rental structure, whichever is closer). A local operator is also required when the owner is a corporation or other legal entity. The owner is required to notify Portage Township of the identity of the person they have designated to be their operator/Property Manager (and alternate operators/Property Managers where that is so desired).

1.7 REGISTRATION FORMS

(a) An application for a certificate of registration shall be made in such form and in accordance with such instructions as may be provided by the inspectors designated by the township and shall include, but not be limited to, the following information:

1. Rental property information containing the following:
 - a. Rental property address.
 - b. Tax parcel ID number.
 - c. Actual or estimated year built.
 - d. Number of dwelling units contained within.

2. Owner information containing the following for each owner:
 - a. Owner name (if the owner is a corporation, the name of an authorized representative).
 - b. Owner address.
 - c. Home phone.
 - d. Work/business phone.
 - e. Signature.
 - f. Date.
 - g. Email address.

3. Local operator information (when utilized by owners) containing the following:
 - a. Local operator's name.
 - b. Address.
 - c. Home phone.
 - d. Work/business phone.
 - e. Signature of the operator.
 - f. Signature on behalf of the owner or corporation.
 - g. Date.
 - h. Email address.

4. Required attachments, including the following:
 - a. A photocopy of each owner's State issued photo ID with a legible birth date, or, in the case of corporate ownership, a photocopy of the driver's license or other acceptable State issued photo ID of the authorizing officer, with a legible birth date.
 - b. A photocopy of local operator's driver's license or other acceptable State issued photo ID with a legible birth date.

(b) It shall be the responsibility of the owner to advise the township in writing of any changes concerning the local operator. Notification of changes must be made within 30 days.

(c) Subsequent to registration, the township shall schedule a compliance inspection within three years

of the registration. Compliance inspection shall be scheduled in a reasonable manner with respect to the township's Rental Inspector and the owner's or operator's schedule.

1.8 COMPLIANCE INSPECTION

(a) A township Rental Inspector shall inspect rental structures on a periodic basis of once every three years, or more often at the discretion of the township. Upon completion of the registration and receipt of the fee, a township inspector shall schedule a compliance inspection within three years of the registration. Efforts shall be made to schedule each compliance inspection at a reasonable time with respect to the inspector and the owner and/or operator.

(b) Non-periodic inspections, specified in subsections (b)1 and 2 of this section, will be scheduled as soon as practicable by the township:

1. Upon receipt of a complaint from an owner, operator, occupant or citizen who would have occasion to be aware that the premises are in violation of this ordinance. If a township inspector determines that a complaint was filed without a factual basis and such inspection is made on a complaint basis, a municipal civil infraction may be charged to the complainant.

2. Upon receipt of a report or a referral from the police department, fire department, community development department, public or private school, Western Upper Peninsula Health Dept., or other public agency.

1.9 PENALTY

A violation of any provision of this ordinance shall be a municipal civil infraction, assessed against the owner of the rental structure. In the event the owner or operator does not correct a violation of any provision of this ordinance, the township Rental Inspector may revoke any existing certificate of compliance and may bring an action to seek the enforcement of this ordinance by the appropriate legal remedy and or the Portage Township Civil Infraction Ordinance which includes fee schedules. These additional fees and interest along with the civil infraction penalty may also be levied against the owner on his or her winter tax bills.

If any structure is found not in compliance with this ordinance, the township may revoke any existing certificate of compliance and may bring an action to seek the enforcement of this ordinance by the appropriate legal remedy; the Portage Township Civil Infraction Ordinance which includes fee schedules.

Any owner of a rental dwelling until who fails to register or who fails to obtain a certificate of compliance for each rental dwelling unit shall be responsible for the payment of a municipal civil infraction penalty. Any owner who fails to comply with any of the other parts of this ordinance shall be responsible for a municipal civil infraction penalty and if not paid may be levied against their winter tax bill.

An owner may be charged with more than one violation of the provisions of this ordinance in a single complaint or municipal civil infraction, where each violation so charged relates to the same property.

An owner may be charged with more than one violation of the provisions of this ordinance in multiple

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complaints or municipal civil infraction, where each violation so charged relates to different properties.