

ARTICLE XI.5. REGISTRATION OF HABITABLE RENTAL PROPERTIES

Sec. 82-805. Annual registration requirement.

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any residential rental property within the township for which an annual registration statement has not been properly made and filed with the building department of the township and for which a certificate of occupancy has not been issued. Registration shall be made annually upon forms furnished by the building department of the township for such purpose and shall specifically require the following minimum information:

- (1) Name, address, and phone number of the property owner.
- (2) Name, address and phone number of the designated local property manager if the property owner lives outside of Berrien County.
- (3) The street address of the rental property.
- (4) The number and types of units within the rental property (dwelling units or sleeping rooms).
- (5) The maximum number of occupants permitted for each dwelling unit or sleep room.
- (6) The name, phone number and address of the person authorized to make or order made repairs or services for the property, if in violation of township or state codes, if the person is different than the owner or local manager.

(Ord. No. 82-805 § 1, eff 6-5-00)

Sec. 82-806. Manner of registering.

The registration must be made annually on or before January 31 of each year, by the property owner or designated local property manager in the office of the building department of the township. The applicant/owner or his/her designated representative, by filing an application, shall be deemed to have given consent to the code enforcement officials of the township to enter each rental unit, as well as any other portions of the structure, at reasonable times and upon reasonable notice, to inspect the premises at any time after the application is made or a certificate of compliance is issued. Each applicant will suggest a convenient date for inspection at the time of application.

(Ord. No. 82-805, § 2, eff. 1-1-18)

Sec. 82-807. Transfer of property.

Every new owner of rental property (whether as fee owner or contract purchaser) shall be required to furnish to the building department the new owner's name, address, and phone number and the name, address, and phone number of the owner's designated local manager before taking possession of the rental property. No registration fee shall be required of the new owner during the year in which possession takes place provided that the previous owner has paid all registration fees and has complied with all requirements of this article and any notices from the township concerning violations of health, zoning, fire, or safety codes of the township. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration statement will be

required. It is the responsibility of the property owner to notify the township immediately if a formerly non-rental becomes a rental property at any time during the calendar year or if a rental property become non-rental at any time during the calendar year.

(Ord. No. 82-805, § 3, eff. 6-5-00)

Sec. 802-808. Initial inspection; orders; power to vacate.

After registration, an initial compliance inspection of the rental unit(s) shall be conducted based upon the agreed upon date at the time of application. If the rental unit(s) is not in compliance with the rules, regulations, laws, or housing codes of the township and/or the state, the code enforcement official shall furnish the applicant with a written list of the specific violations which shall be corrected before the rental certificate of occupancy is issued, provided further, that the violation(s) does not render the unit(s) unfit for occupancy or is of a nature which if not corrected would result in further deterioration and subsequent danger to human life, safety or welfare. However, if occupancy can continue safely, the township building department shall issue a temporary certificate of occupancy allowing occupancy to continue while the violations are being corrected. No certificate of occupancy shall be issued if occupancy will endanger the health, safety, or welfare of the public. In such cases, an order to vacate shall be issued.

Benton Charter Township may require the owner of a rental unit(s) to do one or more of the following:

- (a) Be present at the time of inspection.
- (b) Provide the code enforcement official access to the rental unit.
- (c) Provide access to areas other than a rental unit or areas open to public view, or both.
- (d) Notify a tenant of the code enforcement official's request to inspect the rental unit, and make a good faith effort to obtain permission for an inspection, and to arrange for the inspection. If a tenant vacates a rental unit after the code enforcement official has requested to inspect that leasehold, an owner of the leasehold shall notify the code enforcement official of that fact within ten days after the leasehold is vacated, and allow for the inspection.
- (e) Provide access to the leasehold if a tenant of that leasehold has made a compliant to the Township.

(Ord. No. 82-805, § 4, eff. 6-5-00)

Sec. 82-809. Issuance of certificate of occupancy.

If, after the initial inspection conducted pursuant to this article, the dwelling unit is found to be in compliance with the rules, regulations, laws, and ordinances of the township and/or the state, the township building department shall issue a certificate of occupancy for the unit(s) in the name of the owner or designated representative.

(Ord. No. 82-805, § 5, eff. 6-5-00)

Sec. 82-810. Re-inspection; revocation.

(a) No later than 60 days after the initial inspection, a follow-up inspection shall be conducted, if necessary, to verify that all the violations listed pursuant to section 82-808, have been corrected. If not corrected, either a second re-inspection shall be scheduled, or, if in the opinion of the inspector, a good faith effort to correct the code violations has not been made, the temporary certificate of compliance, issued pursuant to section 82-808, shall be revoked and the unit(s) vacated.

(b) The landlord shall have the right to request additional inspections at no fee. This subsection does not apply to the initial compliance inspection nor to any follow-up compliance inspections.

(Ord. No. 82-805, § 6, eff. 6-5-00)

Sec. 82-811. Fees.

(a) An annual fee shall be charged and be payable at the time of making the annual registration required under this article to off-set the township's cost for the annual compliance inspection, follow-up inspections, and administrative costs. In addition, there shall be an additional fee assessed for late registration. Fees for units that are not inspected, due to failure of the owner or tenant to allow or arrange for inspection, shall remain due and shall not be refunded to the owner.

(b) There shall be a fee assessed against the property, property owner or designated local property manager for each additional inspection required because violations have not been corrected. Additional inspections shall mean inspections required after the initial and follow-up compliance inspections.

(c) There shall be a fee assessed against the property, property owner or designated local property manager for the failure of the owner or manager to appear at the designated date and time set for inspection. Additionally, a misdemeanor criminal charge may apply pursuant to section 82-818 below.

(d) Fees shall be adopted by the Benton Charter Township Board in a schedule of fees relating to this Ordinance and amended from time to time.

(e) Any unpaid registration fees or other assess fees or penalties left unpaid for more than 120 days shall be charged an additional 15% penalty and shall be charged against the real estate upon which the structure or structures are located and shall be a lien upon such real estate.

(Ord. No. 82-805, § 7, eff. 6-5-00)

Sec. 82-812. Certificate of Occupancy requirement.

(a) After the initial inspection of the rental unit(s), pursuant to section 82-808, no single unit dwelling, multiple unit dwelling, boarding house, lodging house, or other rental property offered to let or hire shall be occupied unless the township building department has issued a certificate of occupancy for the single unit dwelling, multiple unit dwelling, boarding house, or lodging house in the name of the owner or his/her designated representative.

(b) Each certificate of occupancy shall be effective until revoked by the township, however, all units must be registered annually as set forth herein.

(Ord. No. 82-805, § 8, eff. 6-5-00)

Sec. 82-813. Maintenance of records.

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

(Ord. No. 82-805, § 9, eff. 6-5-2000)

Sec. 82-814. Appeal.

Any person who is grieved by a decision of the code enforcement official or whose certificate of occupancy has been revoked or if the unit(s) are found to be unfit for occupancy, shall be entitled to reconsideration by appealing the decision to the township board of appeals as provided in the property maintenance code then in effect.

(Ord. No. 82-8005, § 10, eff. 6-5-2000)

Sec. 82-815. Distribution.

A certificate of occupancy shall be given to the owner or his/her designated representative and a copy shall be retained by the township building department.

(Ord. No. 82-805, § 11, eff. 6-5-2000)

Sec. 82-816. Transferability.

A certificate of occupancy shall not be transferred to any other dwelling or unit other than for which it was originally issued.

(Ord. No. 82-805, § 12, eff. 6-5-2000)

Sec. 82-817. Tenant responsibility.

In the event a violation exists or occurs which prevents the issuance of a certificate of occupancy or violates the currently approved property maintenance code due to the actions or failure to act by the tenant, then the tenant may also be cited for the violation and subject to punishment under section 82-818.

(Ord. No. 82-805, § 13, eff. 6-5-2000)

Sec. 82-818. Penalties; separate offense.

Any person, owner or designated representative admitting responsibility or found guilty of violating any provisions of this article, shall be guilty of a misdemeanor, and punished in accordance with section 1-11 of the Benton Charter Township Ordinances.

(Ord. No. 82-805, § 14, eff. 6-5-2000; Ord. eff. 6-10-2004)

Sec. 82-819. Enforcement.

(a) The Township Zoning Official, in addition to the ordinance enforcement officer, is authorized to enforce this ordinance.

(b) The enforcement duties of the Zoning Official shall include, among others, the following:

- (1) Investigating violations of this ordinance
- (2) Serving notice of violations
- (3) Serving appearance tickets as authorized by state statute
- (4) Appearing in administrative or judicial proceedings to assist in the prosecution of violators of this ordinance.

Secs. 82-820 – 82-835. Reserved.

<p>Introduction & 1st Reading: 6/20/2017 2nd Reading & Adoption: 7/5/2017 Website Posting: 7/5/2017 Effective Date: 7/5/2017</p>
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