

**PENNFIELD CHARTER TOWNSHIP
SPECIAL BOARD MEETING MINUTES
JUNE 22, 2016**

Supervisor Behnke called the meeting to order at 6:00 PM at the Pennfield Middle School cafeteria. Present were Supervisor Behnke, Clerk Case, Treasurer Jackson, Trustees Beard, Damerow, Harris and Skelding. There were no residents present.

NEW BUSINESS

1. Adoption of Pennfield Charter Township Ordinance #206-06-16 of 2016

**PENNFIELD CHARTER TOWNSHIP ORDINANCE NO.
206-06-16 OF 2016**

AN ORDINANCE TO AMEND ARTICLE 10, BUILDINGS AND BUILDING REGULATIONS, OF THE PENNFIELD CHARTER TOWNSHIP CODE, AS AMENDED, FOR THE PURPOSE OF ADDING NEW REGULATIONS FOR VACANT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTY, INCLUDING REGISTRATION AND MAINTENANCE.

The Charter Township of Pennfield, Calhoun County, Michigan, ordains:

SECTION 1. Article 10, Buildings and Building Regulations, of the Pennfield Charter

Township Code of Ordinances, is hereby amended to add Article IX to read as follows:

Article IX. VACANT PROPERTY REGISTRATION AND MAINTENANCE

Sec. 10-221. Findings and Purpose.

The purpose of this Article is to help protect the health, safety and welfare of the citizens of Pennfield Charter Township by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances, and ensuring the safety and sanitary maintenance of dwellings. Due to economic conditions, mortgage foreclosures, and increased bankruptcies, many homes and commercial properties have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant buildings. Such neglect devalues properties and causes deterioration in the community. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods. This Article is intended to assist the Township in creating a registry of abandoned vacant properties along with contacting an owner for utility shutoff, code enforcement, building

and fire safety, and police reasons.

Sec. 10-222. Scope.

The provisions of this Article shall apply to all one-family residential structures, multi-family residential structures, commercial, and industrial structures within the Township. Compliance with this Article does not relieve an owner from compliance with other township ordinances, codes, rules, regulations, and state law.

Sec. 10-223. Definitions.

For purposes of this Article, certain words and phrases are defined as follows:

- (a) **Abandoned vacant property** means a vacant property as defined in this section that has been vacant for at least 60 consecutive days for residential structures and 180 consecutive days for commercial structures and meets any of the following criteria:
- (1) *Is the site of frequent or habitual loitering, vagrancy, unauthorized entry, or other criminal activity;*
 - (2) *Has one or more broken or boarded windows;*
 - (3) *Has utilities disconnected or not in use;*
 - (4) *Is not maintained or in compliance with this Article, including without limitation, other building safety, fire safety, and property maintenance code regulations;*
 - (5) *Is only partially completed, or structurally unsound, and is not fit for human occupancy and there are not active building permits on the property that will result in restoration of the premises to a safe and habitable condition;*
 - (6) *Has taxes in arrears for a period of time exceeding 365 days;*
 - (7) *Is open to casual entry or trespass;*
 - (8) *Is fire damaged to an extent which prohibits safe human occupancy;*
 - (9) *Is a residential structure secured for at least 60 days with plywood boarding or its equivalent, or a commercial structure secured for at least 180 days with plywood boarding or its equivalent;*
 - (10) *Has the utility heat source of gas and/or electric disconnected or discontinued; or*
 - (11) *Is under a condemnation notice or legal order to vacate.*
- (b) **Borrower** means a borrower under a mortgage, who grants a lien or interest in property to a trustee as security for the payment of a debt.
- (c) **Building** means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.
- (d) **Evidence of vacancy** means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded up windows,

abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

- (e) **Foreclosure** means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the borrower.
- (f) **Lender** means a person, firm or corporation holding a mortgage on a property, who has commenced foreclosure proceedings with regard to the property in question.
- (g) **Mortgage** means a recorded lien or interest in real property to secure payment of a loan.
- (h) **Owner** means an individual, co-partnership, association, corporation, company, fiduciary, or other person or legal entity having a legal or equitable title or any interest in any real property.
- (i) **Structure** means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.
- (j) **Possessory Lender** means a person, firm, or corporation that has foreclosed a mortgage on a property, but may not have legal or equitable title.
- (k) **Township** means Pennfield Charter Township.
- (l) **Vacant property** means an improved lot or parcel of real property where the principal building or structure is unoccupied, empty or deserted.

Sec. 10-224. Registration of vacant and abandoned vacant property.

An owner of abandoned vacant property in the Township shall be responsible for registering that property with the Pennfield Charter Township Clerk by complying with the registration and inspection requirements in this Article. In the event the owner shall fail or refuse to register the property, the lender or possessory lender shall be responsible for compliance with this provision. Abandoned vacant property shall be registered within thirty (30) days of qualifying as such. Registration of an abandoned vacant property does not preclude the Township from taking appropriate actions to secure the property or to issue orders to repair or abate dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

Sec. 10-225. Registration form.

Owners, possessory lenders, and/or lenders who are required to register property pursuant to this Article shall do so by submitting a registration form available from the Township containing the information specified in this section. The form may be submitted by an agent provided the agent's written authorization from the owner, possessory lender, or lender is included with the form. The following information shall be provided in the form:

- (a) *The address of the abandoned vacant property.*
- (b) *The name of the owner of the property.*
- (c) *Proof of identification of each owner.*
- (d) *A mailing address where mail may be sent that will be acknowledged as received by the owner.*
- (e) *The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be*

- someone other than the owner with whom he/she has contracted.
- (f) A current address, telephone number, facsimile number, and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property.
 - (g) If certified mail return receipt requested is sent to an address on the form and the mail is returned marked refused or unclaimed, or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

Sec. 10-226. Registration Exemptions.

Registration under section 10-225 shall not be required for the following:

- (a) *Temporary Absence* - A dwelling that is unoccupied for a period of 180 days or less each year if the owner submits a request for exemption in writing to the Township Clerk that the dwelling will remain unoccupied for a period of 180 consecutive days or less each year. An owner who has given the notice prescribed by this subparagraph shall notify the Township Clerk not more than thirty days after the dwelling no longer qualifies for this exception. As used in this paragraph, "dwelling" means a dwelling such as a vacation or seasonal home that is occupied by the owner or a member of the owner's family during part of a year.
- (b) A building under active construction or renovation and having a valid trade permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the most recent permit, or in the event of an extension, no longer than one year, whichever occurs first.
- (c) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the damage if the property owner submits a request for exemption in writing to the Township Clerk.
- (d) A building that is for sale and listed with a licensed State of Michigan Realtor shall be exempted for a period of twelve (12) months from the start of vacancy, provided that the owner or agent submits a request for exemption in writing to the Township Clerk with proof of such listing and for sale status. Proof may include a realtor contract or Multiple Listing Service Listing Number with summary sheet.

Sec. 10-227. Registration, inspection, and other fees.

- (a) All fees applicable to this Article shall be set by resolution of the Pennfield Charter Township Board.
- (b) The owner of an abandoned vacant property shall pay a registration fee together with an inspection fee at the time of submitting the registration form. There shall also be a fee for filing of any additional or new owner's forms, with such fee being set by resolution of the Township Board. For properties that are not registered within the required time, an additional fee for the added cost of the Township's expenses in having to determine ownership shall be assessed and immediately payable.

Sec. 10-228. Requirements to keep information current.

If at any time the information contained in the registration form is no longer valid, the property owner, lender, or possessory lender has ten (10) days to file a new registration form containing current information. There shall be no fee to update a registered owner's current information.

Sec. 10-229. Safety and maintenance inspections.

- (a) The owner of an abandoned vacant property is responsible for 1) scheduling with the Township and paying for the Township's safety and maintenance inspection of the building and property within thirty (30) days of qualifying as such ; 2) obtaining necessary permits; and 3) making such repairs as required under this Article and other applicable codes and statutes and obtaining inspections from the Township annually thereafter until the building is lawfully occupied, to ensure the buildings are safe, secured and well-maintained. The owner shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, swimming pools and spas, roofing, structural systems, foundation, draining systems, gutters, doors, windows, parking areas, signage, driveway aprons, service walks, sidewalks and other public areas are sound, operational or properly disconnected. An abandoned vacant property shall not be reoccupied until inspected and found to be in full compliance with all applicable Township codes and a Certificate of Occupancy is issued by the Township.*
- (b) If, at the time of the Township's safety and maintenance inspection, the inspector(s) deems that the electrical, plumbing, or mechanical systems may pose health or safety hazards and require additional inspection by the state registered code official in that discipline, the owner shall be responsible to obtain and pay for that required inspection.*
- (c) If an owner fails or refuses to complete the inspections required by subsection (a) of this section, the possessory lender shall be obligated to complete the inspection upon foreclosure of the property. Additionally, any lender who holds a mortgage on a property located within the township, shall perform the inspection pursuant to subsection (a) of this section to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the borrower within five (5) days after either the filing of a complaint foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement).*
- (d) The Township is hereby authorized to make an inspection of a lot or parcel of land upon receiving a complaint of a nuisance under this Article, or upon its own initiative. The power to inspect shall include the authority to enter upon such lot or parcel of land at reasonable times and under reasonable conditions as provided under the International Property Maintenance Code.*

Sec. 10-230. Maintenance and security requirements.

All 1) owners, 2) possessory lenders, and 3) lenders (to the extent permitted by law or the terms of a mortgage), are responsible for compliance with the requirements of this section, which apply to all vacant property from the time of vacancy, including the time between vacancy and when registration is required:

- (a) *Property shall be kept free from weeds, grass, dry brush and dead vegetation; trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded items, including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any other items which give the appearance that the property is abandoned.*
- (b) *Property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.*
- (c) *Yards shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, trees, shrubs, hedges or similar plantings. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscaping and removal of all trimming.*
- (d) *Pools, spas and other water features shall be kept in working order so that the water remains clear and free of pollutants and debris or drained and kept dry and free of debris. In either case, properties with pools and/or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.*
- (e) *An abandoned vacant property must be secure from casual entry and trespass as outlined herein. A property owner shall repair or replace unsecured doors and windows or install plywood boarding or its equivalent over all points of entry on an abandoned vacant property such that all exterior openings suitable for animal or human entry are secured. If securing is done using exterior grade plywood or its equivalent it must be completed as follows:*
 - (1) *Any first story and ground accessible points of entry shall be secured by use of exterior grade plywood or its equivalent, of at least one-half inch thickness, cut to the size of the opening and secured by the use of two-inch long screws.*
 - (2) *Any entry points above the first story which are not accessible from ground level shall be secured by use of exterior grade plywood or its equivalent of at least one-half inch thickness, cut to the size of the opening and secured by the use of 16 penny common nails or two inch long screws.*
 - (3) *Any bare wood surface shall be painted the same or similar color as the surrounding surface.*
- (f) *A Township order to secure an abandoned vacant structure shall be complied with by the owner within seventy-two hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this Article, the Township may secure the structure and the Township shall bill the owner of record for all costs incurred, including service fee and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be recovered in the same manner as permitted for the recovery of fees under this Article.*
- (g) *If the owner has failed to secure a property and it has been secured by the Township, the*

Township may enter or reenter the structure to conduct necessary inspections to insure compliance with the requirements of this Article and to determine if there are any emergency or hazardous conditions.

- (h) Adherence to this section does not relieve the owner of any obligations set forth in any covenants, conditions, and restrictions and/or homeowners' association rules and regulations which may apply to the property.*

Sec. 10-231. Fire damaged property.

If a building is fire damaged, the owner, possessory lender, and/or lender has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Extensions may be granted by the Township provided the owner, lender, or possessory lender can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed abandoned and subject to the requirements of this Article.

Sec. 10-232. Re-occupancy, certificate of occupancy required.

- (a) The Certificate of Occupancy is suspended at the time a property is deemed an abandoned vacant property as defined in this Article. No structure that is abandoned shall be reoccupied until inspected and found to be in compliance with the International Property Maintenance Code except where otherwise specified herein. The Certificate of Occupancy is revoked once a property has been an abandoned vacant property for more than 24 months as defined by this Article.*
- (b) A Certificate of Occupancy of a residential property which has been deemed an abandoned vacant property may be obtained by one of the following:
 - (1) If the owner intends to occupy the property as their primary residence and the property has not been an abandoned vacant property for more than six months an International Property Maintenance Code inspection is not required. The Certificate of Occupancy shall be reinstated once notification of principal residence exemption is provided to the Township and all outstanding registration and monitoring fees have been paid.*
 - (2) If the property has been an abandoned vacant property for more than 6 months but less than 25 months, or the property is going to be occupied by anyone other than the owner, an International Property Maintenance Code inspection must be conducted. If there are no violations at the time of inspection the Certificate of Occupancy is reinstated and the property may be occupied. If violations are present at the time of inspection none of which are health, safety, or welfare related, a Temporary Certificate of Occupancy may be issued and the property may be occupied providing a follow-up inspection is conducted to verify that all violations have been corrected. Once all violations have been corrected, and all outstanding registration and monitoring fees have been paid, the full Certificate of Occupancy will be reinstated.*
 - (3) If the property has been an abandoned vacant property for more than 24 months an All-Trade Safety Inspection shall be conducted to include inspection of electrical, mechanical, plumbing, and building components as defined by State**

Codes. If there are no violations at the time of inspection, the Certificate of Occupancy will be reinstated and the property may be occupied. If violations are present at the time of inspection none of which are health, safety, or welfare related, a Temporary Certificate of Occupancy will be issued and the property may be occupied provided follow up inspection is conducted to verify that all violations have been corrected. Once all violations have been corrected, and all outstanding registration and monitoring fees have been paid, the full Certificate of Occupancy will be reinstated.

- (c) *A Certificate of Occupancy of a commercial property which has been deemed an abandoned vacant property may be obtained by one of the following:*
 - (1) *If the property has been an abandoned vacant property for more than 180 days but less than 25 months an International Property Maintenance Code inspection must be conducted. If there are no violations present at the time of inspection the Certificate of Occupancy is reinstated and the property may be occupied. If violations are present at the time of inspection none of which are health, safety, or welfare related a Temporary Certificate of Occupancy will be issued and the property may be occupied provided follow up inspection is conducted to verify that all violations have been corrected.*
 - (2) *If the property has been an abandoned vacant property for more than 24 months an All-Trade Safety Inspection must be conducted to include electrical, mechanical, plumbing, and building components as defined by State Codes. If there are no violations at the time of inspection the Certificate of Occupancy shall be reinstated and the property may be occupied. If violations are present at the time of inspection none of which are health, safety, or welfare related, a Temporary Certificate of Occupancy may be issued and the property occupied provided follow up inspection is conducted to verify that all violations have been corrected. Once all violations have been corrected, and all outstanding registration and monitoring fees have been paid, the full Certificate of Occupancy will be reinstated.*

Sec. 10-233. Notice to abate.

Upon observing a violation of the provisions of this Article, an enforcement officer may issue a notice to abate to the owner, lender, and/or possessory lender as shown on the records maintained by the Township. The notice to abate shall be served by first class mail and posted in a conspicuous location, where possible, upon the property at issue. Failure to receive such notice is not a defense to any action by the Township to abate the violation, collect abatement costs, collect administrative costs, or impose penalties authorized by this Code.

The notice to abate shall inform the owner, possessory lender, and/or lender of the following:

- (a) *The nature of the violation.*
- (b) *The time frame within which the owner, possessory lender, and/or lender shall abate the violation, being not more than ten (10) days from the date of the notice. The enforcement*

officer may grant additional time where bona fide efforts to abate the violation are in progress.

- (c) If the owner, possessory lender, and/or lender fail to abate the violation, the enforcement officer may issue a municipal civil infraction citation.*
- (d) The Township may act to abate the violation, if it is not abated by the owner, possessory lender, and/or lender.*
- (e) The cost of abatement by the Township, plus an administrative fee, shall be a personal debt of the owner, possessory lender, and/or lender which may be assessed as a tax lien against the property until paid.*

Sec. 10-234. Securing open property.

Property subject to this Article that is left open and/or accessible shall be subject to entry by the Township in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured. The owner, possessory lender, and/or lender of property subject to this Article which is found open or unsecured shall be responsible for all Township costs associated with securing the property, if the owner, lender or possessory lender of property cannot be contacted or does not secure the property within twenty-four (24) hours of Township observation. If the owner, possessory lender, and/or lender has failed to secure a property and it has been secured by the Township, the Township and/or its contracted agent, may enter or re-enter the structure upon the authorization of the Township Supervisor or is/her designee to conduct necessary inspections to assure compliance with the requirements of this code and to determine if there are emergency or hazardous health and safety conditions in existence.

Sec. 10-235. Emergency abatement by Township.

When, in the opinion of the Township Supervisor or his/her designee, there is actual and immediate danger to the public or occupants of a premises caused by a violation on the premises, the Township Supervisor may, without any notice of hearing, order and require any reasonable action to abate the violation.

Sec. 10-236. Responsibility for Violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall be required to immediately bring the property into compliance and shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

Sec. 10-237. Change in and/or Transfer of Ownership of Dwelling.

- (a) Change in ownership of dwelling. The Township may issue a new order to repair or correct conditions to any person assuming ownership or status as the responsible party for any dwelling which has been cited in a notice of violation. A responsible party who has failed to comply with such an order shall not be relieved of legal responsibility for having violated*

any of the provisions of the International Property Maintenance Code or the provisions of this Article by transferring title to another person.

- (b) *Transfer of Ownership. It shall be unlawful for the owner of any abandoned vacant property upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of the compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order of notice of violation.*

Section 10-238. Penalty for violation.

A person who violates the provisions of this Article, as amended, may be fined for a municipal civil infraction, subject to the following penalties:

- (a) *Civil fines shall apply in the event of a determination of responsibility for municipal civil infraction. Fines shall be Two Hundred and Fifty (\$250.00) Dollars for first offense and Five Hundred (\$500.00) Dollars for second and subsequent offenses, plus costs and other sanctions as permitted by law.*
- (b) *In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate may issue any judgment, writ or order necessary to enforce, or enjoin said violation.*
- (c) *Each act of violation and on each day upon which any such violation shall occur, shall constitute a separate offense.*
- (d) *In addition to any remedies provided for by this Article, any equitable or other remedies available and/or permitted by law may be sought.*
- (e) *The judge or magistrate may impose costs, damages, and expenses as provided by law.*
- (f) *A municipal civil infraction shall not be a lesser included offense of a criminal offense or of a Pennfield Charter Township Code or other Township ordinance violation which is not a civil infraction.*

SECTION 2. REPEAL. All ordinances or parts of law in effect that are in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Pennfield Charter Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. SAVINGS. That nothing in this legislation shall be construed to affect any

suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any act or ordinance hereby repealed as cited in Section 2 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on AUGUST 1, 2016 after its publication, or publication of a summary, in a newspaper of general circulation in the Township within thirty (30) days after adoption.

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Pennfield, County of Calhoun, State of Michigan, at a special scheduled meeting thereof duly called and held on this 22nd day of June, 2016.

Moved by: Trustee Beard

Supported by: Trustee Damerow

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – No

Vote shows 6 yes, 1 no. **Ordinance #206-06-16 of 2016 is adopted.**

2. Adoption of Pennfield Charter Township Ordinance #207-06-16 of 2016

PENNFIELD CHARTER TOWNSHIP ORDINANCE NO. 207-06-16 OF 2016

AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES SO AS TO REGULATE THE CONDITION OF RENTAL HOUSING UNITS; TO PROVIDE FOR THE REGISTRATION AND INSPECTION OF RENTAL DWELLINGS; TO PROVIDE CIVIL SANCTIONS AND REMEDIES FOR VIOLATION OF THIS ORDINANCE; AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CHARTER TOWNSHIP OF PENNFIELD, Calhoun County, Michigan, ordains:

SECTION 1. Chapter 10, Article VII, of the Pennfield Charter Code of Ordinances is hereby added to read as follows:

Article VII. Registration and Certification of Rental Dwellings.

Sec. 10-181. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Rental Compliance Officer shall mean the Rental Compliance Officer of the Charter Township of Pennfield and his/her designees.

Conditional Sale shall mean the sale of a dwelling under a lease with option to purchase

or any other like form of conditional sales agreement.

Dwelling shall mean any structure, yard or part thereof used for residential purposes, whether occupied or not. The terms and definitions of “dwelling unit”, “dwelling, multiple-family”, “dwelling, single-family detached”, “dwelling, two-family”, as set forth in the Pennfield Charter Township Zoning Ordinance (Appendix B to this Code) are incorporated herein by reference. Additionally, the term “dwelling” shall, for purposes of this Article, be deemed to include a mobile home.

Person shall mean any individual, corporation, partnership, limited liability company, or other legal entity.

Rental Dwelling shall mean a dwelling, containing one more rental housing units. An apartment complex consisting of one or more buildings under common ownership and on the same parcel of land shall be considered one rental dwelling for purposes of this Article.

Rental Unit shall mean a single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in exchange for consideration paid for the right to reside therein.

Responsible Person shall mean the owner of the rental dwelling or unit or a person designated by the owner at the time of registration who is responsible for correcting all major or minor violation(s), or both, of the rental property in question.

Township shall mean the Charter Township of Pennfield.

State shall mean the State of Michigan.

Sec. 10-182. Registration Required.

All rental dwellings and rental units, as defined by this Article, which are leased or otherwise made available for rental purposes, shall be registered by the owner with the Pennfield Charter Township Clerk. Following initial registration, the Township will arrange for inspection of the premises and, upon a successful inspection and payment of any and all fees, will issue a rental certificate of compliance. After passing an inspection and receiving a rental certificate of compliance which certifies that the rented space is in compliance with applicable codes, the property shall be kept in compliance as a property with a valid certification.

The occupancy of any dwelling under a lease with option to purchase agreement or other like form of conditional sales agreement shall likewise require that the owner register the property with the Pennfield Township Clerk if legal or equitable ownership is not transferred by valid deed or land contract to the occupant within ninety days of execution of the conditional sales agreement. Proof of the transfer of ownership shall be established by copy of a deed, land contract, or memorandum of land contract, which has been recorded with the Calhoun County Clerk/Register of Deeds, or filed with the Township Assessor.

Sec. 10-183. Time Periods for Registration.

Time periods for registration are as follows:

- (1) All rental dwellings and units shall be registered within 30 days of occupancy by a tenant;
- (2) All newly constructed or newly converted rental dwellings and units shall be

registered within 30 days of the issuance of the certificate of occupancy by the township;

- (3) A rental dwelling or unit, which is sold, transferred or conveyed, shall be reregistered by the new owner within 30 days of the date of the deed, land contract, lease with option to purchase or other instrument of conveyance;
- (4) All existing non-rental dwellings, which are converted to rental units without issuance of a certificate of occupancy, shall be registered within 30 days from the date on which the property is first occupied for rental purposes; and
- (5) Registration shall be submitted annually on a form provided by the township on or before **August 1st**.

Sec. 10-184. Information Required.

The owner of a rental dwelling/unit shall submit the following information to the Township Clerk on forms prescribed by the Township at the time of registration:

- (1) The address(es) of the rental unit(s);
- (2) The number of rental units within the structure;
- (3) The name, corporate name, residence address, business mailing address, business telephone, home telephone of the owner;
- (4) The name, residence address, business address and business telephone of the responsible party designated by the owner;
- (5) The date of registration of the rental unit, if previously registered;
- (6) The name of the person filing the registration; and
- (7) Any additional information relating to habitable rooms as required by applicable State codes and Township ordinances in order to make a determination of code compliance.

Sec. 10-185. Registration Fees; Administrative Late Charge.

A registration fee as established by a resolution adopted by the Township Board shall be assessed to the owner of a rental dwelling/unit by the Township at the time of initial registration as well as annually thereafter. An administrative late charge shall also be paid by the owner if registration of a dwelling/rental unit is not accomplished within the time periods described in Section 10-183. A violation of this Section shall be a civil infraction subject to the penalties as described under Section 10-192 of this Article.

Sec. 10-186. Incorrect and Outdated Registration Information.

An owner who fails to provide correct or current registration or outdated registration information shall be in violation of the provisions of this Article.

Sec. 10-187. Inspections.

- a. The Township Rental Compliance Officer or his/her designee shall inspect buildings and structures at the time of initial registration in order 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 Article and any applicable building and property maintenance codes. The Rental Compliance Officer or his/her designee may thereafter inspect residential units once a year without first receiving a complaint or without other cause.

b. In addition, the Rental Compliance Officer may inspect buildings and structures under any of the following circumstances:

- (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this Article;*
- (2) Upon receipt of a report or a referral from a police agency, other public agency or department, or any individual indicating that the premises are in violation of this Article, which report or referral is based on the personal knowledge of the person making the report or referral;*
- (3) If an exterior survey of the premises gives the Rental Compliance Officer probable cause to believe that the premises are in violation of this Article;*
- (4) Upon the Rental Compliance Officer's receipt of information that a rental unit is not registered with the township as required by this Article;*
- (5) As part of the rental certification program as required by Section 10-189.*
- (6) In order to determine compliance with a notice or a housing order issued by the township;*
- (7) If an emergency is observed or is reasonably believed to exist;*
- (8) In accordance with requirements of law where a dwelling is to be demolished by the township or where ownership is to be transferred to the township; or*
- (9) Upon the request of an owner of a rental unit for an advisory inspection. Such inspections shall be performed in accordance with the provisions of this section.*

c. Reasonable entry and access to rental dwellings and rental units shall be granted to building officials under this section as follows:

- (1) The Rental Compliance Officer shall be authorized entry and access to a rental dwelling or rental unit at reasonable times to inspect to ensure compliance with the terms of this Article.
 - (i) If entry or access is not made available by the owner or responsible person, the Rental Compliance Officer is authorized to revoke the existing certificate of compliance, pursue administrative warrants or pursue other recourse as provided by law.*
 - (ii) If entry or access is not made available by the tenant, the Rental Compliance Officer is authorized to pursue administrative warrants or pursue other recourse as provided by law.**
- (2) The owner or agent must accompany the building official and allow full entry and access to the rental dwelling and rental unit.*

d. During the inspection, which shall be conducted to substantiate compliance with applicable building and property maintenance codes, the Rental Compliance Officer shall note any violations of this Article or other provisions of this code and shall issue a housing order notice of all violations to the responsible person. The housing order shall direct the responsible person to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the Rental Compliance Officer in light

of the nature of the violations and all relevant circumstances, but shall not exceed 30 days. Upon request by the responsible person, the Rental Compliance Officer may extend the time for correcting minor violations, if the Rental Compliance Officer deems such action appropriate under all relevant circumstances.

A responsible person who receives a housing order notice pursuant to this Article shall correct the identified violations within the time period set forth in the notice.

Sec. 10-188. Inspections--Fees; Administrative Late Charge.

The Pennfield Charter Township Board shall establish by resolution a schedule of inspection fees. The Township Board shall amend by resolution the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the Township Board.

The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the Rental Compliance Officer determines that such major violation does, in fact, exist. If the inspection is based upon a complaint filed by the owner for a major violation caused by the occupant and the Rental Compliance officer determines that a major violation does, in fact, exist and has been caused by the occupant, the inspection fee shall be paid by the occupant. Likewise, the owner shall be excused from the inspection fee if a complaint is filed by the occupant and the complaint is false. In such event, the inspection fee shall be paid by the occupant. A violation of this section shall be a civil infraction subject to penalties under Section 10-192 of this Article.

If the Rental Compliance Officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.

An administrative late charge shall be paid to the Township by the person obligated to pay an inspection fee if such fee is not paid within 30 days from the billing date. The amount of the administrative late fees shall be established by resolution of the Township Board. A violation of this section shall be a civil infraction subject to the penalties described under Section 10-192 of this Article.

Sec. 10-189. Rental Certificate of Compliance – Generally.

A property owner shall not lease, rent, or otherwise allow a rental dwelling/unit to be occupied unless the Township Rental Compliance Officer has issued a rental certificate of compliance or a temporary rental certificate of compliance for each such rental dwelling/unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date. A violation of this section shall be a civil infraction subject to the penalties under Sections 10-192 of this Article and shall be deemed a nuisance per se.

A property owner shall not lease, rent or otherwise allow a rental dwelling/unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such dwelling/unit has been denied, suspended, or has expired. A violation of this section shall be a civil infraction subject to the penalties under Sections 10-192 of this Article and shall be deemed a nuisance per se.

A person shall not occupy a rental dwelling/unit if the Rental Compliance Officer orders that it be vacated due to major violations of this code. A violation of this section shall be a misdemeanor subject to the penalties under Section 1-7 of this Code and shall be deemed a nuisance per se.

The Township Permits Department shall issue a six-year rental certificate of compliance to the owner of a rental dwelling/unit which is determined to be in compliance with this code. Compliance shall mean the following:

- (1) There are no violations existing at the time of the most recent inspection;*
- (2) The Rental Compliance Officer did not discover any violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued; and*
- (3) The property owner has paid all inspection fees assessed against the property.*

A newly constructed rental dwelling/unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.

At least 30 days before the expiration of a rental certificate of compliance, the property maintenance official shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is reissued in accordance with Section 10-191, it shall have a six-year or a three-year expiration date (if the certificate has been previously suspended as called for by Sec. 10-191) with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

Sec. 10-190. Rental Certificate of Compliance – Temporary Certificate.

When a rental certificate of compliance is required, the Rental Compliance Officer may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- (1) The Rental Compliance Officer is unable to complete an inspection of a rental dwelling/unit to verify compliance with this Article prior to the expiration date of an existing rental certificate of compliance;*
- (2) The Rental Compliance Officer is not aware of any current major violations; and*
- (3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.*

The Rental Compliance Officer may issue a temporary rental certificate of compliance for a newly registered rental dwelling/unit.

The Rental Compliance Officer may issue a temporary rental certificate of compliance for a rental dwelling/unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.

A temporary rental certificate of compliance shall be valid until the Rental Compliance Officer completes an inspection and issues an order granting or denying a rental certificate of compliance, (except in the initial stages of the rental inspection program where additional time will be needed to complete all the inspections) said inspection shall be conducted within 60 days

of the expiration date of a rental certificate of compliance, within 60 days of the registration of a new rental dwelling/unit, or within 60 days of the issuance of a temporary rental certificate of compliance.

Sec. 10-191. Rental Certificate of Compliance. Suspension and Expiration.

The provisions of this section shall govern the suspension and expiration of rental certificates of compliance.

- (1) The Rental Compliance Officer may suspend a six-year or a three-year rental certificate of compliance for a rental dwelling/unit if the responsible person fails to comply with a housing order notice issued under Section 10-187, or if the responsible person fails to pay any fee in accordance with Sections 10-188 and 10-193.*
- (2) In such event, the Rental Compliance Officer may placard the property and order that it be vacated until such time as the owner or responsible person complies with the housing order notice and/or pays the necessary fees. The Rental Compliance Officer shall reinstate a suspended six-year or three-year rental 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 years from the date of the original certificate.*
- (3) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty days after such expiration date, no person shall lease or rent a rental dwelling/unit to another unless a new rental certificate of compliance has been issued. A rental dwelling/unit, which has not been previously certified, shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.*
- (4) If the Rental Compliance Officer suspends a six-year or a three-year rental certificate of compliance, or, if a six-year or a three-year rental certificate of compliance has expired, then the Rental Compliance Officer shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the dwelling/unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to Section 10-190, 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 occupant(s) 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 Rental Compliance Officer shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefore.*

Sec. 10-192. Lease of Unregistered Units Prohibited.

No property owner shall lease, rent, or otherwise allow a rental unit to be occupied unless the Rental Compliance Officer has registered the unit.

Sec. 10-193. Penalties.

A violation of the provisions of this Article shall be deemed a municipal civil infraction punishable by a fine of Two Hundred (\$200.00) Dollars for the first offense and Four Hundred (\$400.00) Dollars for the second and each subsequent offense. A violation of this Article shall also be a nuisance per se and subject to abatement as provided in Section 2-31 of this Code or as otherwise provided in the Pennfield Charter Township Code. In addition to the fine and costs imposed for a violation of this Article, the owner shall pay the administrative late charge as set forth in the fee schedule adopted by the Township Board.

SECTION 2. SEVERABILITY OF INVALID PROVISIONS. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. SAVINGS CLAUSE. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on **AUGUST 1, 2016, after its publication, or publication of a summary, in a newspaper of general circulation in the Township within thirty (30) days after adoption.**

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Pennfield, County of Calhoun, State of Michigan, at a special scheduled meeting thereof duly called and held on this 22nd day of June, 2016.

Moved by: Trustee Beard
Supervisor Behnke – Yes
Clerk Case – Yes
Treasurer Jackson – Yes

Supported by: Trustee Damerow
Trustee Beard – Yes
Trustee Damerow – Yes
Trustee Harris – Yes
Trustee Skelding – No

Vote shows 6 yes, 1 no. **Ordinance #207-06-16 of 2106 is adopted.**

3. Adoption of Pennfield Charter Township Resolution 16-45

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-45
(a Resolution adopting the necessary fee schedules associated with the
Pennfield Charter Township Rental, Vacant Property and Property
Maintenance Ordinances)**

BE IT RESOLVED, that the Pennfield Charter Township Board hereby adopts the following fee schedules associated with the township rental, vacant property and property maintenance ordinances:

Rental and Vacant Property Registration Fees-

Annual Registration Fee	\$100.00
Late Registration Fee	\$400.00

Rental and Vacant Property Inspection Fees (Residential)-

Single Unit (Residential)	\$60.00
Two Unit (Residential)	\$90.00

Rental and Vacant Property Inspection Fees (Commercial/Apartments)-

Building with 1 to 5 units	\$50.00/unit
Building with 6 to 12 units	\$44.00/unit
Building with more than 12 units	\$36.00/unit

Rental and Vacant Property Re-Inspection Fees (Commercial/Apartments)-

Re-inspection (first unit)	\$60.00
Re-inspection (2 to 4 units)	\$50.00/unit
Re-inspection (5 or more)	\$40.00/unit

Rental and Vacant Property No-Show and/or Lock-Out Inspection-

First Offense	\$75.00
Second Offense	\$125.00

Rental Property Complaint Fee Inspection-

Inspection	\$75.00
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Property Maintenance Fees-

Order to Vacate	\$100.00
Order of Condemnation	\$100.00

Moved by: Trustee Beard
Supervisor Behnke – Yes
Clerk Case – Yes
Treasurer Jackson – Yes

Supported by: Trustee Damerow
Trustee Beard – Yes
Trustee Damerow – Yes
Trustee Harris – Yes/Trustee Skelding – No

Vote shows 6 yes, 1 no. **Resolution 16-45 is adopted.**

4. Adoption of Pennfield Charter Township Resolution 16-46

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-46
(a Resolution granting authorization to the Executive Committee for the purpose of awarding an agreement for asphalt services on the east side of Pennfield Charter Township Hicks Cemetery in an amount not to exceed \$24,000.00)**

BE IT RESOLVED, that the Pennfield Charter Township Board hereby Grants authorization to the Pennfield Township Executive Committee (Supervisor Behnke, Clerk Case and Treasurer Jackson) for the purposed of awarding an agreement for asphalt services on the east side of Pennfield Charter Township Hicks Cemetery in an amount not to exceed \$24,000.00.

Moved by: Trustee Damerow

Supported by: Trustee Skelding

Supervisor Behnke – Yes

Trustee Beard – No

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 6 yes, 1 no. **Resolution 16-46 is adopted.**

5. Approval of KATMA agreement

It was moved by Trustee Harris and supported by Trustee Damerow to approve of an Agreement between Pennfield Charter Township and KATMA Enterprises, Inc. for Inspection services associated with the Townships Rental, Vacant property, Property maintenance code and Dangerous building Ordinances. **Motion carried.**

A motion was made by Trustee Skelding and supported by Trustee Harris to adjourn the meeting at 6:32 PM. **Motion carried.**

Robert P. Behnke – Supervisor

Kathleen R. Case – Clerk