

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 156
Adopted: November 9, 2023

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 141 BEING AN
ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL
WELFARE OF THE PROPERTY OWNERS, RESIDENTS AND VISITORS OF
CHIKAMING TOWNSHIP BY ESTABLISHING A RENTAL REGISTRY AND
PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF**

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Ordinance No. 141, Section 4., A., 1., of Chikaming Township, is hereby amended to read as follows:

1. The names, physical addresses, mailing addresses and telephone numbers of the property owner(s) and a copy their government issued ID's;

Section 2. Ordinance No. 141, Sections 4., F., G., and H., of Chikaming Township, is hereby amended to read as follows:

F. Maintenance of Registry. It shall be the duty of the Department designated by the Township Board to maintain the Rental Property Registry pursuant to this section. Such register shall include the property number, Rental Property Registration Number, street address showing the name and address of the owner, the number of conventional bedrooms in the structure at such street address, and the number of persons allowed to occupy that structure.

G. Rental Registration Term. The registration of a rental property will expire February 1, one year after the date that the registration form is deemed complete by the Department designated by the Township Board. Renewals shall be processed on or about February 1, of each year.

H. Rental Property Registration Renewal Form. Rental Property Registration Renewal Forms shall be made in writing by the property owner or rental property manager to the Department designated by the Township Board on a form provided therefore. Owners and rental property managers are responsible to know of the requirement to renew rental registrations every year and submit the proper paperwork and applicable fees no later than February 1 of the year of expiration. To the extent the Township may make online registration available, applicants may utilize such system. Such application shall, at a minimum, set forth:

1. The names, physical addresses, mailing addresses and telephone numbers of the property owner(s) and a copy their government issued ID's;
2. The name, physical address, mailing address and telephone numbers of an agent designated by the owner to act in his/her stead, if any;
3. The street address and Berrien County property number of the rental property;
4. The number of rooms, the number of bedrooms, and the maximum number of permitted tenants;
5. A completed Rental Unit Affidavit of Condition, in a form approved by the Township Building Department, attested to by the property owner or the owner's agent.
6. Verification that each rental unit is provided with sufficient commercial trash removal services and covered trash bins.
7. The number of available, legal parking spaces.

Section 3. Ordinance No. 141, Section 9., of Chikaming Township, is hereby amended to read as follows:

Section 9. Inspection Information and Requirements

The current edition of the International Property Maintenance Code shall be the document that determines what conditions or situations shall be addressed and considered violations of the required maintenance and upkeep of all rental units. An inspection of each rental property or rental unit may be performed by the Township at the discretion of the Township. Prior to the inspection, the owner(s)/manager(s) will be given a minimum notice of five (5) business days. Notice may be delivered by email, postal services or facsimile.

Each individual rental property or unit shall have:

- (1) a minimum of one (1) properly charged and maintained type 2A:10B:C fire extinguisher, or larger; and
- (2) a working smoke alarm:
 - (a) on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms,
 - (b) in each room used for sleeping purposes, and
 - (c) in each story within a dwelling unit, including basements.
- (3) a working carbon monoxide detector in each story within a dwelling unit, including basements. All carbon monoxide detector shall be of the type described in MCL 125.1504f.
- (4) the Township approved street address, and unit number if applicable, prominently displayed in the primary kitchen and easily readable.

A basement or below grade level area shall not be used for sleeping purposes unless it has an approved emergency egress inspected and approved by the Building Department or designated official.

Section 4. Ordinance No. 141, of Chikaming Township, is hereby amended by the addition thereto of a new Section 10:

Section 10. Owner Responsibility to Control Tenant Behavior

The owner shall make reasonable efforts to ensure that the rules set forth in this Ordinance, and the rules set forth in the Noise and Nuisance Ordinance, Ordinance No. 131, are followed by the occupants of the rental property. Such efforts shall include providing education to the occupants of such rules and taking appropriate action to abate any violation when notified that occupants are violating such rules.

The owner shall ensure the noise level generated by the rental property does not annoy or disturbs or injure or irritates or unreasonably impair the comfort, repose, health, or peace of another, as provided in Ordinance No. 131, Section 4, governing noise and nuisance within the limits of Chikaming Township.

Section 5. Section 10 of Ordinance No. 141, of Chikaming Township, is hereby renumbered Section 11 and amended to read as follows:

Section 11. Penalties for Offenses.

A. Any owner, manager or agent who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction.

Repeat offenses shall be subject to an increased civil fine as follows:

- (1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

Each separate violation of this Ordinance constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

B. Revocation of registration.

1. Offenses warranting revocation. The Township may revoke the rental registration for any rental which is the site of at least 3 separate incidents (occurring on 3 separate days) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, local agent, or any renter for a violation of one or more of the following:

(A) Any provision of this ordinance.

(B) The Noise and Nuisance Ordinance, Ordinance No. 131.

(C) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

2. Revocation Procedure. Upon a determination by the Township that the rental registration is subject to revocation pursuant to subsection B., 1., the Township shall issue a notice to the owner and the local agent stating that the Township intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the rental registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection B., 1., are not satisfied, or that the y owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner=s agent could not reasonably anticipate and prevent, and could not reasonably control.

3. Revocation Period and Effect. Upon revocation of the registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for rentals until re-registered.

C. In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

Section 6. Section 11 of Ordinance No. 141, of Chikaming Township, is hereby renumbered Section 12.

Section 7. Section 12 of Ordinance No. 141, of Chikaming Township, is hereby renumbered Section 13.

Section 8. This ordinance was enacted on 9th day of November, 2023, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 18th day of December, 2023, the same being more than thirty (30) days after the date of publication.

Paula Dudiak, Clerk
Township of Chikaming

Attest:

David A. Bunte, Supervisor
Township of Chikaming