

WHITEHALL TOWNSHIP GENERAL CODE
AMENDMENT BY ADDITION

Article 15

ARTICLE 15 REQUIRING THE REGISTRATION
OF RENTAL DWELLINGS

1501 PURPOSES

This is an ordinance to adopt rules and regulations for requiring the registration of rental dwellings within the Township of Whitehall, Muskegon County, Michigan, pursuant to CABO One and Two Family Dwelling Code 1992. The Council of American Building Officials. Also Uniform Building Code and Uniform Housing Code, 1994 International Conference of Building Officials.

1502 DEFINITIONS

For the purposes of this Article certain terms, phrases, words and their derivatives as specified in this Article, If not specified in this section, or elsewhere in Whitehall Township, Michigan the term shall have its ordinary accepted meaning within the context used.

“Approved” means approved by the code official.

“Basement” means that position of a structure which is below the first story, the ceiling of which is less than five (5) feet above the majority of the surrounding ground elevation at all points.

“Bathroom” means any room or space used or intended to be used for containing of a device (lavatory) containing a bowl with a seat attached and with a drain at the bottom to flush the bowl clean after it is used for a bladder and/or a bowel movement.

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

“Common Area” means an area in a rental complex not within a tenant’s private rental unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies and spaces, which contains mechanical, electrical, or plumbing, equipment.

“Condemn” means to adjudge unfit for occupancy.

“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.

“Exterior Property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Extermination” means the control and elimination of insects, rats, or other pests by eliminating their harborage places, by removing or making inaccessible materials that serve as their food, by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

“Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

“Good Faith Effort” is work done towards removing or rectifying a code violation, while not completed, in the sole opinion of the inspecting building official substantial and progress toward that end has been made.

“Guard” is a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surfaces to a lower level.

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

“Imminent Danger” is a condition which could cause serious or life-threatening injury or death at any time.

“Infestation” is the presence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.

“Labeled” is the devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains period inspection of the production of the above-labeled items and by whose label manufacturer attests to compliance with applicable nationally recognized standards.

“Let For Occupancy or Let” is 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 or unwritten lease, agreement or license, or pursuant to a recorded or

unrecorded agreement of contract for the sale of land.

“Occupancy” is the purpose for which a building or portion thereof is utilized if occupied.

“Occupant” is any individual living or sleeping in a building or having possession of a space within a building.

“Open-able Area” is that part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” is any person who has charge of, care of, control of a structure or premises which is let or offered for occupancy.

“Owner” is any person, agent, or operator, 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 of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” is an individual, corporation, partnership or any other group acting as a unit.

“Premises” is a lot, plot or parcel of land including any structures thereon.

“Rental Administrator” is the official who is charged with the administration and enforcement of this code, or any duly authorized representative; and is under the jurisdiction of the supervisor.

“Rental Complex” is a group of rental dwellings.

“Rental Dwelling” is any dwelling containing a rental unit, a rooming unit, or hotel/motel unit, including single family homes and mobile homes, occupied by a tenant or tenants.

“Rental Property” refers generally to all rental complexes, dwellings, and units.

“Rental Unit” is a particular living quarters within a dwelling intended for occupancy by a person other than the owner and the family of the owner, including mobile homes, single family homes, apartments, hotel/motel units, rooming units, and for which a remuneration of any kind is paid.

“Rooming House” is a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

“Rooming Unit” is 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.

“ Rubbish” shall mean all material (other than garbage or junk) which is normally discarded from a household, including but not limited to discarded household furniture, building materials, or dead animals.

“Strict Liability Offense” is an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act, which the defendant was legally required to do.

“Structure” is that which is built or constructed or a portion thereof.

“Tenant” is a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

“Toilet Room” is a room containing a lavatory or urinal but not containing a bathtub or shower.

“Ventilation” is the natural or mechanical process of supplying, conditional or unconditional air to, or removing such air from, any space.

“Violation Notice” is a writ issued by the Rental Administrator, advising an owner, or his agent, of a violation of this ordinance. Violation notices shall list all infractions and corrective measures necessary to comply with this ordinance and a time period within which corrections must be completed.

“Workmanlike” means executed in a skilled manner; e.g. generally plumb, level square, in line, undamaged and without marring adjacent work.

“Yard” is an open space on the same lot with a structure.

1503 REGISTRATION OF RENTAL DWELLINGS

A. REQUIRED. All rental dwellings shall be registered within

Whitehall Township. If the owner does not reside within 100 mile

of Whitehall Township he/she shall designate a responsible local agent who shall be responsible for operating such dwelling in compliance with the law, including this article. All office notices may be served on the responsible agent, and any notice so served shall be deemed to have been served upon the owner of record. Each owner or responsible local agent shall maintain a current list of the number of occupants of each rental dwelling for which he/she is responsible. A rental unit Certificate of Compliance shall not be issued if the provisions of this article are not complied with.

B. DEADLINE FOR REGISTRATION; failure to comply. All rental dwellings existing as of the effective date of the ordinance from which this article is derived shall be registered no later than six months after the effective date of this article. Whitehall Township shall order registration prior to that date for any dwelling cited in a notice required by this article. Failure to comply with such an order is a violation of this article and will be subject to Civil Infractions.

C. REGISTRY OF NEW RENTAL DWELLINGS. The owner of a new rental dwelling or any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.

D. CHANGE IN REGISTER INFORMATION. The owner of rental dwellings already registered with Whitehall Township or his/her responsible local agent shall register within 60 (sixty) days after any change occurs in register information. A new owner of a registered dwelling shall register the dwelling within 100 days of assuming ownership.

E. APPLICATION CONTENTS. Applications shall be made in such form and in accordance with such instructions as may be provided by the rental administrator and shall include:

1. The address of the rental dwelling,
2. The number of dwelling units, the numbers of rooming units and the number of hotel units in the dwelling,
3. The name, residence address, business address, business phone number, and personal phone number of the owner,
4. The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner, and
5. The address where the owner or responsible local agent will accept notices or orders from Whitehall Township.

F. INACCURATE OR INCOMPLETE REGISTER INFORMATION. It shall be a violation of this article for an owner or a responsible local agent to provide inaccurate information for the register of rental dwelling or to fail to provide the information required by Whitehall Township under subsection E. of this section. In those cases in which the owner or responsible local agent is not a natural person, the information required to register shall provide for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer

of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

1504 CERTIFICATE OF COMPLIANCE FOR RENTAL DWELLINGS

A. REQUIRED. Rental dwelling shall not be occupied without a Certificate of Compliance or Temporary Certificate of Compliance.

B. ISSUANCE. Whitehall Township shall issue a Certificate of Compliance for a rental dwelling when Whitehall Township finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in this article. However, no Certificate of Compliance shall be issued until all of the following fees and debts to Whitehall Township.

1. All previously billed property taxes,
2. All current or past due special assessment installments,
3. All charges against the property for cleanup of debris removed and similar charges by Whitehall Township, and
4. Any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of this article.

C. TEMPORARY CERTIFICATES.

1. Where a Certificate of Compliance is required, Whitehall Township may issue a Temporary Certificate of Compliance for the following reasons only:

- a. For a newly registered rental dwelling unit until such time as Whitehall Township is able to make a compliance inspection,
- b. To enable Whitehall Township to balance compliance inspection loads,
- c. To coincide with compliance time periods set forth in a notice citing violations of this article if such periods extend beyond the expiration date of a certificate, and
- d. No temporary certificate may be issued if amounts due under Subsection b(1) of this section are unpaid.

2. No Temporary Certificate of Compliance shall be issued if any of the amounts set forth in this Section, or Subsection B of this section are unpaid.

D. VALIDITY. A Certificate of Compliance shall be valid for three years for all rental units, unless suspended as set forth below. The administrator may authorize up to three additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for Whitehall Township.

E. EXPIRATION. Certificate of Compliance and Temporary Certificates of Compliances may not be extended beyond their expiration dates except as may be permitted in subsections C or D of this section to enable the Department of Inspections to balance inspection workloads.

F. LENGTH OF TIME Certificate of Compliance is valid. Any new Certificate of Compliance issued to an owner for a dwelling shall have an expiration date three years from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire four years from the date the original certificate was issued.

G. SUSPENSION. The Rental Administrator shall suspend a Certificate of Compliance if the owner or responsible local agent has not complied with a complaint notice. The administrator shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible agent:

1. That the Certificate of Compliance has been suspended as of the date of the notice,
2. Of the reason for the suspension,
3. That it is unlawful for any rental unit to continue to be

occupied for more than 60 (sixty) days after the date of suspension of the Certificate of Compliance or, if substantial and immediate danger to life, health or safety exists, that no occupancy may occur after the suspension and the property shall be immediately vacated,

4. That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of

suspension shall not be rented or reoccupied until the Certificate of Compliance is reinstated or a new Certificate of Compliance is issued, and

5. Failure to comply with the term(s) of suspension as set out in this subsection shall be a violation of this article.

H. REINSTATEMENT OF SUSPENDED CERTIFICATE OF COMPLIANCE. A suspended Certificate of

Compliance shall be reinstated if Whitehall Township

determines that a rental dwelling has been brought into compliance with the standards of this article and the charges made under subsection B of this section have been paid. The township shall notify the owner or responsible agent by regular mail, noting the

reinstatement of the Certificate of Compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the Whitehall Township Board shall be paid by the owner prior to reinstatement of the certificate.

I. NOTIFYING TENANTS OF SUSPENDED CERTIFICATE. Whitehall Township shall send a second notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to "Occupant" and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article.

J. CERTIFICATION FEES. Whitehall Township shall establish and charge a uniform and reasonable fee for certification from time to time.

1505 CONFLICTING PROVISIONS

Other Ordinances or part of Ordinances in conflicts with this Ordinance, to the extent of such conflict and no further, are hereby repealed..

1506 ENFORCEMENT; INSPECTION

A. The standards of this article are to be enforced by the inspection of buildings, dwellings, the units within buildings, dwellings, accessory structure and yards.

B. Inspections will be made to obtain and maintain compliance with the standards of this article based upon one or more of the followings;

1. A complaint received by the township indicating that there is a violation of the standards of this article.
2. An observation by the township of a violation of the standards of this article.
3. A report of observation of a dwelling that is unoccupied and unsecured or a dwelling that is fire-damaged.
4. The registration and certification of a rental dwelling as required by Section 1503 (Registration of Rental Dwellings).
5. The need to determine compliance with a notice or an order issued by the township.
6. An imminent danger is observed or reasonably believed to exist.
7. A request for an inspection by an owner, occupant or responsible agent.

c. When imminent danger is reasonably believed to exist or is known to exist within a unit, dwelling or accessory structure, the township shall have the right to enter immediately and at any time without a warrant or without requesting permission. Entry must be for the sole purpose of determining that an emergency exists of to abate an emergency condition known to exist.

1507 INSPECTION STANDARDS

1. Yard - cleanliness, mowed, garbage picked up, adequate parking.
2. House structure - no leaks in roof, doors installed and working, step/steps sound. No required exits blocked, inside or outside. Windows installed, no broken glass, and not boarded up.
3. Floors - no loose boards, no holes, structurally sound. Stairs - structures - structurally sound, no loose boards or loose carpet, handrails installed and structurally sound, safety rails in place and sound.
4. Electrical - no wires hanging out of walls, ceiling, floors or ends exposed. Switch covers, outlet covers installed, not broken. Electrical power turned on. Fuse panel or circuit breaker panel installed, with fuses/breakers in panel and working. GFI receptacles installed where required. Any serious electrical concerns to be inspected/repared by a licensed electrician.
5. Plumbing - water/well hooked up and working. Faucets working, no leaks in house or outside house. Septic tank/drain field or sewer hooked up and working.
6. Furnace and hot water heaters installed and working properly. If problem is noted report from certified technician on file.
7. Smoke detectors - installed and working.
8. Location within Dwelling Units - in dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area, Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling above the stairway. Detectors shall also be installed in basements of dwelling units having stairways that open from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.
9. There shall be at least one working carbon monoxide detector within the house.
10. Proper placements of wood stoves according to manufacturer's specified.
11. If repairs are noted by inspector, fireplaces and chimneys need to be inspected by a certified person or technician and needed repairs performed.



Whitehall Township
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Notice

August 25, 2011

To all property owners in Whitehall Township, effective July 26, 2010, Whitehall Township Board adopted General Code Amendment (by addition) Article 15 Requiring The Registration of Rental Dwellings and Inspection of rental Dwellings (Section 1503) within the Township of Whitehall.

Section 1503 , Registration of Rental Dwellings, Item B, gives six months to register all rental units from the date (July 26, 2010) of passage of this Amendment. The time allowance for registration of Rental units expired January 26, 2011. Civil Infractions can be accessed for failure to register.

The standards of this Article 15 are to be enforced by the inspection of buildings, dwellings, the units within buildings, accessory structure and yards (Section 1506).

Rental dwellings shall not be occupied without a "Certificate of Occupancy" or a "Temporary Certificate of Occupancy". (Section 1504).

Rental Ordinance Fees;

Registration of Property per owner.....\$10.....For original and each renewal.
Original Inspections.....\$35, plus \$10 for each additional unit within the structure.
First Re-inspection.....\$30 for each unit within the structure, or no charge if all
Items on the original inspection are corrected.
Second re-inspection.....\$30 for each unit within the structure.
Third re-inspection.....\$50 for each unit within the structure

Final Notice.....The third inspection is the final inspection. Civil infractions, and
Injunctive relief will be remedies sought if the end of the third
Inspection does not correct violations. No shows will be treated
The same as an inspection.

Copies of the ordinance are available at the township hall.

Val Jensen II
Whitehall Township Zoning Administrator