

**ORDINANCE NO. 710  
SAGINAW CHARTER TOWNSHIP  
COUNTY OF SAGINAW, MICHIGAN**

AN ORDINANCE TO AMEND THE SAGINAW CHARTER TOWNSHIP CODE  
OF ORDINANCE, (CHAPTER 18, SECTION 18),  
SAGINAW CHARTER TOWNSHIP, MICHIGAN  
SAGINAW COUNTY, MICHIGAN

The Charter Township of Saginaw, Saginaw County, Michigan

ORDAINS:

**ARTICLE V. RENTAL HOUSING BUSINESS LICENSE**

**Sec. 18-201. Purpose**

It has been statistically demonstrated that areas with rental housing facilities are responsible for a disproportionate share of police calls for service. This disproportionate demand upon police services necessitates a disproportionate expenditure of public funds for such properties and impairs the value of these properties and the surrounding neighborhoods as well as the community as a whole.

It is the purpose of this Section to implement a crime free rental housing program to provide a stable, more satisfied tenant base; increase demand for rental units with a reputation for active management; lower maintenance and repair costs; increase property values, and improve the personal safety for tenants, landlords, and managers.

For these reasons, it is in the public interest for the protection of the health and safety of the people of Saginaw Charter Township to protect and promote the existence of sound and wholesome residential rental properties and rental units by the adoption of standards that encourage participation in Saginaw Charter Township's crime free rental housing training program.

**Sec. 18-202. Scope**

The provisions of this Article shall apply to all residential rental properties in Saginaw Charter Township and all accessory uses thereon, including parking lots, driveways, landscaping, accessory structures, fences, walls, interior and exterior common areas, swimming pools, hot tubs, and spas. This Section shall not apply to:

1. Housing accommodations in hotels, motels, inns or bed and breakfast facilities.
2. Housing accommodations in any hospital; state licensed group homes or adult foster care facilities; convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facility; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school of occupancy by its students.

3. Mobile homes located within a state licensed mobile home park.

**Sec. 18-203. Definitions**

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

*Business* means and includes all activities engaged in with the object of gain, benefit, or advantage, directly or indirectly, from the operation of rental housing.

*Owner* means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in Saginaw Charter Township, including all persons shown as owners on the last equalized assessment roll of the Assessors Office. Owner includes agents and employees and any persons with powers of attorney, executors of estates, trustees, or who is court appointed administrators, conservators, guardians or receivers and agents and employees.

*Residential Rental Property* means a parcel of real property upon which a residential rental unit is located.

*Residential Rental Unit* means a rented or leased residential dwelling unit within a single-family or multi-residential building. A residential rental unit includes a single-family dwelling, duplex, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project.

*Authorized agent* is an individual(s) with legal authority and capable of executing documents for the sale or lease of the dwelling(s) and authority over the proceeds of such sale or lease.

*Licensing agent* means the township clerk or such other township official or employee as may be designated by resolution of the township board.

**Sec. 18-204. Rental Housing Business License Required.**

No person shall operate a residential rental property in Saginaw Charter Township without securing and maintaining an annual rental housing business license as required by this Section.

Each owner or authorized agent, on behalf of the owner, shall submit an application for a rental housing business license on a form provided by the Township Clerk's Office.

**Sec. 18-205. Local Agent Required.**

Whenever any rental business license is required, and neither the owner or the operator is a person domiciled within Saginaw Charter Township or a 30 mile radius, the owner shall appoint a person who is domiciled within Saginaw Township or a 30 mile radius, to serve as the local agent of the owner and the operator for 24-hour emergency contact information and for service of notices. Notices given to the local agent shall be sufficient

to satisfy any requirement of notice to the owner or the operator. The owner shall notify the Township Clerk of any change of local agent within fifteen days of such change.

### **Sec. 18-206. Rental Housing Business License Application**

The application shall contain or be accompanied by the following information:

1. The address of the residential rental property.
2. The unit classification, e.g., single-family, duplex, multi-family, or condominium;
3. The name, address and telephone number of the owner and authorized agent for the premises and any other person designated to be contacted in the event of an emergency at the premises.
4. A description of any other business operated or to be operated at the same premises.
5. The name, address, and telephone number of the owner's agent, representative or property manager responsible for management of the rental property, if different from the owner OR if the owner resides outside a 30-mile radius of Saginaw Township, an owner's agent, representative or property manager who is within a 30-mile radius of Saginaw Township is required.
  - a. The owner/licensee shall have a continuing obligation to provide the above information as it becomes available and if any information provided changes during the term of the license.
6. The application shall also include an acknowledgement to be signed by the owner/agent/licensee stating that he or she has been informed of the following:
  - a. That the owner/agent/licensee shall be responsible for maintaining the rental property in compliance with all Saginaw Charter Township codes.
  - b. That failure to maintain the rental property in compliance of the Saginaw Charter Township Code may result in enforcement against the owner/agent/licensee by all means available to the Township.
  - c. Violation of this Ordinance is a civil infraction. In addition, any violation may result in the revocation of a license under Section 213 of this Ordinance. The Township shall seek all legal remedies, including obtaining injunctive orders to restrain, correct or abate a violation and the costs incurred by the Township in correcting a violation, including attorney fees, shall become a lien on the real property upon which the residential rental unit is located.
  - d. That all tenants are provided a lease disclosure letter which provides information regarding Township Regulations, including:
    1. The Township Noise Ordinance (Sec 26)
    2. Curfew for Minors (Sec 38-158)
    3. Open House Party Ordinance (Sec 38-183)
    4. International Property Maintenance Code(Section 14-61 though 14-62)
    5. Parking of vehicles (Section 403 of Zoning Ordinance)

- e. That each lease or rental agreement entered for the licensed dwelling shall include the following addendum:

**CRIME FREE LEASE ADDENDUM**

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)
2. Resident, any member of the resident's household or guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.
4. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance or marijuana at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident's household, or guest or another person under the resident's control shall not engage in any illegal activity including prostitution, criminal street gang activity, threatening, intimidating or stalking, assault, the unlawful discharge of firearms, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.

**VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.** A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by substantial evidence of the type reasonably relied upon by property managers in the usual and regular course of business.

In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

**Sec. 18-207. Processing of Application**

The Township Clerk's Office shall determine whether the applicant has submitted a complete application for a rental housing business license within 14-days of its submission. An application is complete if it has been fully and properly completed in accordance with this Section and the non-refundable fee required pursuant this Section is tendered.

1. *Restrictions.* No rental housing business license shall be issued until all fees, including water and sewer charges, delinquent personal property taxes and all other unpaid charges required by all Township Ordinances are paid in full. Further, no unresolved property maintenance issue shall be present if a rental business license is issued.
2. *Compliance with all laws.* No rental housing business license shall be issued unless the applicant has complied with all Township, County, State and Federal laws, rules and regulations.
3. *Legal under existing law.* No rental housing business license shall be issued by the licensing agent where the existing or proposed rental housing unit would be illegal under any law or ordinance of the Township.
4. *Issuance after review.* Upon submitting a completed application and required fee, the application shall be forwarded to the Zoning Administrator, Treasurer's Office and Assessing Department for the purposes of verifying if the rental unit or complex complies with the terms of this article. The Clerk's Office shall issue a license to the person to commence or continue the business designated in such application if the rental housing business complies with the terms of this article.

**Sec. 18-208. Rental Housing Business License Fee**

The application for a rental housing business license, including any renewal thereof, shall be accompanied by a non-refundable fee in an amount established by a resolution adopted by the Saginaw Charter Township Board. The fee shall be based on the owner/operator and not the number of dwelling units. The rental housing business license fee shall be used to defray the costs of processing, training and enforcement.

**Sec. 18-209. Duration of Rental Housing Business License; Renewals; Late Fees.**

The rental housing business license issued under this article shall be effective until January 15 of the following year in which issued. Licenses not renewed within 30 days of the January due date shall, in addition to the required fee, pay a late fee in the amount established by a resolution adopted by the Saginaw Charter Township Board.

**Sec. 18-210. Transfer of Rental Housing Business License**

A rental housing business license may be transferred by the holder to any other person upon submission of an updated rental housing business license application.

**Sec. 18-211. Failure to Obtain a Rental Housing Business License**

Failure to obtain a Rental Housing Business License will result in the issuance of a civil infraction citation by the Township.

**Sec. 18-212. Rental Housing Services Provided by the Township**

Owners and Authorized Agents who have obtained a rental housing business license are entitled to the following services by the Saginaw Charter Township:

1. Free Crime Prevention Training by the Police Department.
2. The Township will maintain a listing of all licensed rental housing properties for lease on our website.
3. Our Police Department and Code Enforcement Officers can assist the property owner through the eviction process.
4. The Clerks Office will maintain an emergency contact list for all licensed rental housing properties.

**Sec. 18-213. Revocation and/or suspension.**

1. In the event of any noncompliance with the provisions of this article after a license has been issued, the licensing agent may take one or more of the following actions to remedy the violation:
  - a. The license may be revoked by order of the licensing agent until the noncompliance has been corrected.
  - b. A civil infraction may be imposed. In addition to a civil infraction all violations shall constitute a nuisance per se and may be abated by injunctive or other equitable relief. Each day that a violation continues is a separate offense.
  - c. The licensing agent and other departments within the township may develop a written agreement with the "owner" to stay further action while the owner addresses outstanding issues.
2. The licensee may appeal all revocations to the township board, which, for cause shown, may uphold the revocation, or reinstate the license after giving the licensee reasonable notice and after holding a hearing, at which licensee shall have an opportunity to be heard.
3. In the event of revocation, the license fee shall not be refunded.

The foregoing shall be published in the Township Times, a newspaper of general circulation in the Charter Township of Saginaw, on the 16<sup>th</sup> day of September, 2009.

This Ordinance shall take effect upon the date of publication.

The foregoing Ordinance was adopted by the Township Board at a regular meeting of said board held on September 14, 2009.

Dated: September 14, 2009

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Timothy J. Braun, SUPERVISOR

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Shirley M. Wazny, CLERK