Charter Township of Orion

Ordinance No. 164

Rental Housing Certification & Regulations

Adopted June 2, 2025

Ordinance No. 164 Rental Housing Certification & Regulations

AN ORDINANCE WHICH HEREBY ESTABLISHES REGULATIONS FOR THE REGISTRATION, INSPECTION, AND CERTIFICATION OF ALL RENTAL HOUSING STRUCTURES AND DWELLINGS; TO ESTABLISH REGULATIONS FOR THE OPERATION OF OWNER-SHARED/TRANSIENT RENTAL BUSINESSES; AND TO SET FORTH MUNICIPAL CIVIL INFRACTION PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS ORDINANCE.

Section 1 – Title

This Ordinance shall be known as the Rental Housing Certification & Regulations Ordinance.

Section 2 – Purpose and Intent

The intent of the Rental Housing Certification & Regulations Ordinance is to:

A. Ensure that all rental properties within Orion Township meet minimum standards of health, safety, and habitability. This ordinance aims to protect citizen-tenants and visitors, maintain the quality and value of housing stock, and enhance the overall livability of the community.

B. Limit the number of owner-shared and corporate vacation rentals operating in residential neighborhoods so as to prevent the unplanned creation of tourist districts.

The purpose of this ordinance is multifaceted, encompassing the following objectives:

A. **Resident and Visitor Safety and Health**: To safeguard resident tenants and transient visitors by ensuring that rental properties are free from hazards that could harm their health or safety. This includes adherence to property maintenance codes, and proper maintenance of electrical, plumbing, and heating systems to be verified through registration, inspection and biennial certification of eligible dwelling units.

B. **Housing Quality**: To maintain and improve the quality of all rental housing units through registration, regular inspections and certifications, and ensuring that properties are well-maintained and fit for occupancy.

C. **Neighborhood Stabilization**: To preserve the stable and attractive character of neighborhoods by preventing the deterioration of rental properties, which can negatively impact surrounding property values and community well-being; and to prevent fundamental changes to the nature of residential neighborhoods caused by the proliferation of commercial accommodations.

D. **Rental Housing Stability**: To promote rental housing supply and price stability for resident-tenants by limiting the number of owner-shared and corporate vacation rentals operating in residential neighborhoods as quasi-commercial uses.

E. **Neighborhood Tranquility**: To promote the peaceful coexistence of resident neighbors and transient occupants of owner-shared and corporate vacation rentals concerning noise, parking, and neighborhood peace by implementing proactive steps to mitigate:

1. Frequent parties, loud music, and disruptive behavior by transient vacation guests unfamiliar with community norms and Township Ordinance requirements.
2. Increased parking pressure on residential streets that create safety issues for pedestrians and cyclists.
3. Obstructed access for emergency vehicles due to overflow parking.
4. Increased traffic from frequent turnover of guests disrupting neighborhood flow.

F. **Preservation of Tranquil and Healthy Lake Environments**: To promote and maintain the tranquility and the environmental health of the many bodies of water that help make Orion Township an attractive and desirable place to live by implementing proactive steps to mitigate:

1. Higher volume of boats on lakes, leading to increased risk of accidents and injuries.
2. Safety concerns from inexperienced boaters or operators unfamiliar with lake regulations.
3. Excessive noise, erosion, and littering near lakes and other environmentally sensitive areas.

4. Greater risk of invasive species introduction from boats and equipment used by visitors unfamiliar with local regulations.

G. **Transparency and Accountability**: To establish clear standards, procedures, and penalties for landlords and property managers, promoting transparency and accountability in the rental housing market.

H. **Promote Public/Private Regulatory Harmony**: To promote harmony and eliminate conflict between Township ordinance requirements and private homeowner association (HOA/COA) regulations by requiring HOA/COA notification upon registration of rental housing units situated on private property that is regulated by private rules, by-laws or deed restrictions.

I. **Community Health**: To contribute to the overall health of the community by reducing incidences of substandard living conditions, which can lead to broader public health issues.

J. **Economic Vitality**: To support the local economy by fostering a stable rental market, encouraging property investment, and ensuring that all rental units are safe and habitable.

K. **Public Safety and Services**: To assist the Township with information for the provision of adequate police, fire, and emergency response protection; more equal and equitable real and personal property taxation; better efficiency and economy in furnishing public utility services; and more comprehensive and informed planning and zoning for uses of land and structures within Orion Township.

L. **Mitigate Increased Burden on Police and Fire Services**: To take proactive steps to mitigate, to the extent possible, the increased burden on police and fire service demands caused by unregulated owner-shared or corporate vacation rental units:

1. Higher frequency of police calls for disturbances, noise complaints, and criminal activity.
2. Potential higher demand for fire services due to overcrowding, unregulated use of appliances, and unfamiliarity with fire escape routes.
3. Transient vacation occupants and their guests may exceed safe occupancy limits, increasing fire hazards.
4. Temporary occupants may not be familiar with fire exits, fire extinguishers, and local fire safety protocols.

M. **Impact on Public Infrastructure and Services**: To mitigate, to the extent possible, the unplanned and increased strain on public utilities (e.g. water, sewer, electricity) resulting from higher occupancy and more frequent turnover of transient tenants. And to mitigate, to the extent possible, the greater wear and tear on public infrastructure, including roads and sidewalks, resulting from increased traffic created without the benefit of impact studies or dedicated funding for indicated public improvements.

This ordinance represents a commitment to upholding high standards in rental housing, balancing the use of owner-shared and corporate vacation rentals in established neighborhoods, and recognizing the importance of safe, clean, and well-maintained homes for all residents. By implementing this certification process, Orion Township seeks to create a fair and equitable housing environment that benefits landlords, tenants, and the community as a whole.

Section 3 – Definitions

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

Apartment: The dwelling unit in a multiple dwelling building as defined herein:

A. Efficiency Apartment. A dwelling unit consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

B. One Bedroom Unit. A dwelling unit consisting of not more than two (2) rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.

C. Two Bedroom Unit. A dwelling unit consisting of not more than three (3) rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.

D. Three or More Bedroom Unit. A dwelling unit consisting of four (4) or more rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered a four (4) room unit.

Apartment House: See Dwelling, Multiple Family.

Boarding House: A dwelling where meals or lodging and meals are provided for compensation and where one or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home. A rooming house or a furnished room shall be deemed a boarding house for the purposes of this Ordinance.

Building Code: The provisions of Ordinance No. 130 of the Code of Ordinances entitled Construction Code.

Building Official: The Building Inspector or Official designated by the Orion Township Board, or his authorized representative, charged with the responsibility of enforcing this Ordinance.

Certificate of Compliance: A certificate issued by the Building Official indicating that the residential rental structure or unit identified on the certificate complies with all applicable provisions of this code on condition that the premises remain in safe, healthful and fit condition for occupancy. A certificate for multifamily properties shall be valid for a period of forty-eight (48) months; and certificates for single family and two-family/duplex properties shall be twenty-four (24) months. A certificate may be immediately suspended if the Building Official determines that conditions exist which constitute a hazard to health or safety.

Certificate of Compliance Incentive Bonus: An additional twelve (12) month period of time that a single-family or two-family duplex certificate of compliance is valid.

Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Department: The Orion Township Building Department.

Dwelling, Single-Family: A detached or attached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only, and having individual entranceways and garage facilities. Attached residential dwelling units, also known as cluster housing units, share a common wall.

Dwelling, Two-Family or Duplex: A detached building or structure designed for and occupied by two (2) families only, with separate housekeeping, cooking and bathroom facilities for each.

Dwellings, Multiple-Family: A building or structure designed for and occupied by three (3) or more families with separate housekeeping, cooking and bathroom facilities for each. Multiple family dwellings are commonly served by a common entranceway or foyer and generally do not have individual garage facilities. (Refer to "Apartments" definition for dwelling unit types.)

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Efficiency Unit: See Apartment, Efficiency.

Family:

A. One (1) or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

B. A collective number of individuals living together in one house under one head, whose relationship is of a permanent order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

C. A family is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel, or foster care group home.

Fee: A monetary fee determined from time to time by resolution of the Township Board.

Initial Phase-in Period: The period of time from the effective date of this article through completion of the first inspection cycle, a duration of approximately two (2) years, during which time all residential rental structures and dwelling units in existence on the effective date of this article shall be required to be inspected and issued a Certificate of Compliance. It shall be permissible for a resident-tenant to continue to occupy an existing residential rental unit during the initial phase-in period prior to issuance of a certificate of compliance as long as the property owner has registered the unit as required by this code. Any order of the Building Official prohibiting occupancy of a unit shall override this provision.

Lakeshore Perimeter: An area located on or near the shores of a lake, typically with direct access or views of the water, or offering amenities such as private docks, beaches, or water rights.

Lease: Any written or oral agreement that sets forth conditions concerning the use and occupancy of residential rental structures or residential rental units between an owner and tenant.

Life/Safety Code Violation: Any physical condition or violation of the Property Maintenance Ordinance, Construction Code, or International Fire Code, that, in the opinion of the Building Official, poses a threat to the life, health, or safety of occupants of a structure or the general public.

Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any given time, such wheels attached, or is jacked up or skirted.

Mobile Home Park: Any plot of ground upon which two or more mobile homes, occupied for permanent residential purposes, are or may be located in compliance with the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

Multifamily Accessory Facility: A mechanical room, boiler room, laundry room, storage area, pool, recreation facility, or other similar facility located within a multifamily structure or on the property of one or more multifamily structures.

Multifamily Building: A building containing three (3) or more multifamily dwelling units and/or multifamily accessory facilities. For inspection and certification purposes, the exterior surfaces and appurtenances, interior common hallways and stairways, and the exterior grounds are considered to be elements of a multifamily building.

Owner: A person or entity with legal or possessory interest in a property, structure, or dwelling unit.

Owner-Shared or Corporate Vacation Rental Unit: A dwelling unit that is rented exclusively for short periods of time, typically 30 days or less, for the purpose of transient occupancy; such dwelling units may be owner-occupied as a principal residence or may be completely non-owner-occupied.

Person: Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties, and responsibilities.

Rent: The consideration paid for the right to use and possess property, examples of which include, but are not limited to, the payment of money, the payment of taxes, the payment of utility expenses, the exchange of goods or services, the performance of home improvements, the performance of routine maintenance, the occupancy of a dwelling to maintain its security, a form of employment compensation, the bartered or discounted exchange(s) of merchandise or services, labor, and the like.

Rental Housing Inspection Guidelines: The provisions of Ordinance No. 137 of the Code of Ordinances entitled Property Maintenance Ordinance.

Rental Housing Registration: Submittal of an official application form and fee to the Building Department reporting ownership of a residential rental structure including all required data and information regarding said structure, all dwellings and accessory facilities contained within said structure, and upon said premises, and including the Responsible Local Agent where applicable.

Resident-Tenant: The person or persons entitled to the use and occupancy of a residential rental unit or any portion thereof as permanent residency.

Residential Rental Structure: Any building that contains one or more residential dwelling units or one or more sleeping units that are occupied by non-owners regardless of whether one of the units is occupied by the owner. Transitional housing facilities and special accommodation uses are considered residential rental structures for purposes of this article.

Residential Rental Unit: Any apartment, room, dwelling, or portion thereof or any condominium unit for which a person or group of persons pays rent directly or indirectly to the owner thereof, or which is otherwise occupied by a non-owner, for the purpose of a person to reside therein. This definition includes single-family detached dwellings, single-family attached dwellings, two-family or duplex dwellings, multiple and multifamily dwellings, mobile homes, apartments, flats, and transitional housing facilities, regardless of the length of time the unit, or a portion thereof, is rented for occupancy by a non-owner. This definition includes dwelling units, or portions thereof, that are rented through use of an online marketplace that connects homeowners and guests looking for accommodations. This definition does not include hotels and motels licensed and inspected by the state, permitted bed and breakfast establishments, country-inn establishments, or any other similar facilities licensed and inspected by the State.

Responsible Local Agent: An individual person, corporation, partnership, or other legal entity designated to represent the owner of a residential rental structure on behalf of the owner. The responsible local agent must have a place of business or residence within seventy-five (75) miles of the Charter Township of Orion geographic boundaries. The responsible local agent shall be responsible for operating such premises in compliance with all the provisions of this Ordinance and shall be the sole point-of-contact with the Department to facilitate the administration of this Ordinance. An eligible owner is, be default, the responsible local agent unless otherwise designated.

Temporary Certificate of Compliance: A certificate issued for a residential rental structure or unit, following an inspection, which is found to be in substantial compliance with this Ordinance and which, in the opinion of the building official, has no life/safety code violations. Such certificate shall state any remaining violations to be corrected and the date it expires at which time all remaining violations shall be corrected. A reasonable extension may be granted at the discretion of the building official. Failure by the owner to correct the violations within the specified time shall constitute a violation of this Ordinance.

Transient Visitors: the person or persons entitled to the use and occupancy of an owner-shared or corporate vacation rental unit or any portion thereof for brief transient occupancy.

Section 4 – Registration of Residential Rental Structures Required

No person shall engage, or be engaged, in the operation, rental or leasing of a residential rental unit without first registering the residential rental structure and reporting all residential rental units and multifamily accessory facilities, if any, contained therein with the Department in the manner provided herein.

A. The owner of any existing residential rental structure(s) shall register each such structure with the Department within sixty (60) days of the effective date of this Ordinance.

B. All newly constructed residential rental structures shall be registered prior to the issuance of a certificate of occupancy by the Department.

C. Structures not subject to the provisions of this Article on the effective date of this Ordinance that later become residential rental structures shall immediately be registered and comply with all other provisions of this Ordinance prior to occupancy.

D. The registration shall include a description of all residential rental units and multifamily accessory facilities, if any, within each structure and upon said premises as indicated on the registration form provided by the Department.

E. Registration shall be required as follows:

1. Each single-family and single-family detached dwelling shall require one registration.
2. Condominiums and mobile homes shall register as single-family dwellings.
3. Each two-family duplex dwelling shall require one registration.
4. Each multifamily building shall require one registration, and every multifamily building on a property shall require a separate registration.

F. The registration of one residential rental structure shall not relieve the owner from the necessity of registering all other residential rental structures that they/it owns in the Township.

Section 5 – Responsible Local Agent

The owner of a residential rental structure is, by default, the responsible local agent. An owner may designate another person or entity to be their responsible local agent. The responsible local agent shall be responsible for operating and providing the Department access to the residential rental structure or residential rental unit. A tenant shall not be designated to act as the responsible local agent for the owner of a property.

All official notices and correspondence of the Township related to the administration of this Ordinance shall be issued to the responsible local agent, and any notice or correspondence so issued shall be deemed to have been issued to the owner.

Section 6 – Registration Forms

A. Application for registration shall be made on a form provided by the Department and filed with the Department and shall include the following information:

1. The assigned parcel address of the property upon which the residential rental structure is located, the type of structure, the number of dwelling units contained within the structure, and whether an owner occupies any portion of the structure.

2. For duplex, multifamily, and mobile/manufactured home structures, the registration shall include the street address or unit number assigned to each dwelling unit, a description of each dwelling unit, the number of separate exterior dwelling entrances, and a listing of all multifamily accessory facilities as specified on the form.

3. The owner's name, birthdate, driver's license number, address, phone number, and email address. No post office box shall be accepted as a legal address, however, may be used as a mailing address upon written request of the owner.

4. If the owner is a corporation, the registration shall include the name of the corporation, the Michigan corporate entity number, and the corporate mailing address, phone number, and email address. Corporate registrations shall also include the name, mailing address, phone number and email address of the corporation's resident agent responsible to receive legal service on behalf of the corporation.

5. The owner's signature or alternate method of conveying consent by a person or entity lawfully authorized to do so representing the owner or owner's estate.

6. If applicable, the designation of a responsible local agent, the agent's birthdate if an individual, driver's license number if an individual, mailing address, phone number, and email address.

7. The responsible local agent's signature (if applicable).

8. A statement indicating whether the rental housing unit(s) being registered is/are situated on private property that is regulated by private HOA/COA rules, by-laws or deed restrictions, including the name and contact information for the HOA/COA. The HOA/COA will be notified of the registration in order to promote harmony and eliminate conflict between Township ordinance requirements and private homeowner association (HOA/COA) regulations.

9. The applicable registration fees shall be submitted with the completed application form.

B. For multifamily structures, if requested by the Building Official, the owner shall provide, if requested by the Building Official, a site plan or drawing depicting details of the property including the location of all structures, parking areas, and accessory facilities on the site, and a complete layout of each building showing building addresses, dwelling unit numbers and floor plans.

Section 7 – Certificate of Compliance Required

A. The Department shall provide for the inspection of all residential rental structures, residential rental units, and multifamily accessory facilities pursuant to one (1) or more of the bases authorized pursuant to MCLA 125.526 of the Housing Law of Michigan for the purpose of determining whether the structures, units, and facilities comply with all applicable provisions of this Ordinance. Those structures, units, and facilities that are determined to comply shall be issued a certificate of compliance.

1. Each single-family dwelling, whether attached or detached, shall require a certificate of compliance. Condominium units and mobile homes shall be considered to be single-family dwellings for certification purposes.

2. Each two-family duplex dwelling shall require separate certificates of compliance for the exterior building/grounds and each interior dwelling unit.

3. Each multifamily building, each multifamily accessory facility, and each multifamily dwelling unit shall require separate certificates of compliance, none of which may be unreasonably withheld pending issuance of any other within the same structure.

    a. The Building Official may accept an inspection report of an individual multifamily dwelling unit conducted by the United States Department of Housing and Urban Development (HUD) under the real estate assessment center (REAC) inspection process as a substitute for an inspection conducted by the Department as authorized pursuant to MCLA 125.526 of the Housing Law of Michigan. Such substitute inspection must have been completed within twelve (12) months of the required local inspection and must be deemed acceptable by the Building Official.

B. No person or entity, either the owner or the owner's responsible local agent, shall rent or lease a residential rental unit unless that owner or agent has first obtained valid certificates of compliance from the Department except during the limited period of time until the unit is first inspected during the initial phase-in period of this Ordinance. For new construction that occurs after the effective date of this Ordinance, the original certificate of occupancy shall serve as the certificate of compliance for a period of twenty-four (24) months, after which the owners of said units shall apply for a certificate of compliance renewal. Structures not subject to the provisions of this Ordinance on the effective date of this Ordinance that later become residential rental structures shall be registered, obtain a certificate of compliance, and comply with all other provisions of this Ordinance prior to occupancy of any dwelling unit.

Section 8 – Issuance of Certificate of Compliance

A. A certificate of compliance shall be issued for applicable structures, dwelling units and accessory facilities after all recorded code violations have been corrected, verified by reinspection, and approved as being code compliant, and after all fees have been paid in full.

B. A certificate of compliance shall be issued on the condition that the subject structure, dwelling unit, or accessory facility remain in compliance with this Ordinance and all other applicable ordinances and laws. If, after certification, the Department determines that violations exist, the certificate may be temporarily suspended as to the affected areas or the full certificate may be revoked. The building official may order the premises vacated until the subject structure, unit, or accessory facility is brought into compliance.

Section 9 – Term and Renewal

A. *Registration* of a residential rental structure shall be valid for as long as ownership or designation of a responsible local agent remains unchanged.

B. *A certificate of compliance* shall be valid for a period of forty-eight (48) months for multifamily properties and a period of twenty-four (24) months for single-family and two-family/duplex properties and shall be renewed upon expiration. Such certificates shall be valid until the expiration date recorded on the certificate unless administratively extended, suspended, or revoked by the Department. If an owner or agent cancels or fails to appear for a scheduled inspection, the resulting time delay shall not serve to extend the period of time the certificate is valid. The date of issuance and expiration shall be recorded on the certificate. It is the duty of the owner or responsible local agent to arrange for the inspection necessary for the renewal of the certificate at least sixty (60) days prior to its expiration date.

C. Any owner or responsible local agent of a single-family or two-family/duplex property shall be afforded the opportunity to earn a *certificate of compliance incentive bonus* that extends the period of time a certificate of compliance is valid from twenty-four (24) months to thirty-six (36) months. The *incentive bonus* is not available to multifamily properties under a forty-eight (48) month renewal cycle due to conflict with the Housing Law of Michigan. An additional twelve (12) months bonus time shall be granted to single- and two- family properties when all of the following conditions are met:

1. There are no more than four (4) non-life/safety code violations recorded during the initial inspection;
2. All recorded code violations are corrected and verified during the first scheduled re-inspection;
3. There are no outstanding fees, fines, or taxes owed to the Township on the subject property; and
4. All required building/trade permits for work done within the structure were obtained.

D. If an owner or responsible local agent fails to arrange for the inspection necessary to renew the certificate of compliance at least sixty (60) days prior to its expiration, the Department shall schedule the inspection and send notification to the owner or responsible local agent pursuant to Section 15.

E. The Department may, in the absence of any known life/safety code violations, administratively extend the expiration date of a certificate of compliance due to circumstances beyond the control of an owner or responsible local agent including, but not limited to, the Department's inability to perform an inspection in a timely manner. No penalty shall be imposed upon the owner or responsible local agent under such circumstances.

Section 10 – Transfer of Ownership or Responsible Local Agent

A. A certificate of compliance shall be transferable when the ownership of a residential rental structure changes provided that all certificates of compliance required for the subject property are valid at the time of transfer.

B. It shall be the duty of the new owner to immediately register the property with the Department consistent with Section 4 and pay a fee established by the Township.

C. It shall be unlawful for the owner of any residential rental structure or residential rental unit, who has received a notice of violation of any code or ordinance of the Township for that property, including zoning violations, building code violations, violations of rental inspection guidelines, fire code, or nuisance code violations, to transfer, convey, sell, including by land contract, ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, vendee, or transferee a copy of any notice of violation and shall have furnished to the Department a signed and notarized statement from the grantee, vendee, or transferee acknowledging receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.

D. An owner may at any time designate a new responsible local agent to replace the responsible local agent on file with the Department by submitting a form provided by the Department and paying a fee established by the Township. The Transfer of Ownership or Responsible Local Agent form shall include all applicable identifying information and signatures as required on the registration form.

Section 11 – Inspections

A. General Authority. The Building Official shall make all inspections necessary to enforce the Building, Fire, Health, and Safety Codes, and may accept in writing, certified reports from approved agencies or individuals in lieu of an onsite inspection (cf. R104.4). The Building Official is authorized to engage outside experts for unusual technical issues, subject to the appointing authority's approval.

B. Triggered Inspections. In addition, the Building Official, or their designee, may require an onsite inspection upon the occurrence of any of the following events:

1. Receipt of one (1) or more substantiated complaints concerning the same property within a twelve (12) month period.

2. A change in ownership or primary occupancy; or

3. At a regular one (1) year interval to confirm ongoing compliance with life safety systems (e.g., smoke alarms, emergency egress). The Department shall schedule initial inspections, at its discretion, of residential rental structures, units, and accessory facilities that are subject to provisions of this article to determine whether the structures and units qualify for a certificate of compliance. The owner or responsible local agent of the property shall receive no less than thirty (30) days' prior notice of the Department's intent to inspect; the owner may voluntarily waive the notice period and consent to an inspection at an earlier date.

C. The owner shall notify the tenant of the Department's request to inspect their dwelling unit, shall make a good-faith effort to obtain the tenant's consent for an inspection, and, if the owner obtains the tenant's consent for an inspection, shall arrange for the inspection by the Department. The owner shall provide to the tenant a minimum of seventy-two (72) hours' written notice of the Department's intent to inspect the unit.

D. Inspection fees established by the Township shall be paid in full prior to the date of inspection. Inspections will not be performed and additional fees may be incurred unless fees are paid in advance.

E. Scheduled inspections that are canceled less than seventy-two (72) hours prior to the inspection date will incur additional fees to reschedule the inspection as established by the Township.

F. In the event an inspector is unable to perform a scheduled inspection due to the inability to gain access to the structure or dwelling or because the owner or responsible local agent failed to show up at the appointed time, additional fees will be incurred as established by the Township.

G. After the initial phase-in period, all residential rental structures, units, and accessory facilities that are subject to provisions of this Ordinance shall be required to be inspected at not less than twenty-four (24) month intervals nor more than thirty-six (36) month intervals unless adjusted by the Department.

H. The Department shall inspect residential rental structures, units, or accessory facilities pursuant to any of the following circumstances:

1. Upon receipt of a new rental registration application for a structure that was not previously registered.
2. Upon receipt of any certificate of compliance renewal request for any structure, unit, or accessory facility that has been previously certified.
3. Upon receipt of a complaint from an owner or tenant that a structure, unit, or accessory facility is in violation of the property maintenance code or any other ordinance or code of Orion Township, or is in violation of Michigan's housing law, being MCLA 125.401 et seq. of the Michigan Compiled Laws.
4. Upon receipt of a report or a referral from a law enforcement agency, a fire prevention agency, a public agency or department, or any individual indicating that the premises may be in violation of this Ordinance. The request shall be based on the personal knowledge of the person making the report.

5. If a survey of the premises gives the Building Official probable cause to believe that the premises is in violation of this Ordinance.
6. Upon receipt of information that a residential rental structure is not registered with the Department as required by this Ordinance.

I. If consent to enter a residential rental dwelling unit requiring inspection is refused by the tenant, the Building Official and/or their designee shall have recourse to the remedies provided by law to secure entry, including but not limited to obtaining an administrative search warrant to perform the required inspection. Inspections shall be limited to only the areas necessary to ascertain compliance with applicable ordinances, codes, and state law. Every reasonable effort shall be made to obtain consent to voluntarily enter the premises for the purpose of conducting a property maintenance inspection.

Section 12 – Reinspections Required; Presumptions

A. *Reinspections required.* An owner or responsible local agent who is provided with written notice of a code violation(s), shall correct the code violation(s) within the period of time specified in the notice of violations. Failure to correct a code violation within the specified period of time constitutes a nuisance per se and may result in the residential rental structure or residential rental unit being posted for non-compliance with this Ordinance, the Township's property maintenance code and/or any other applicable codes or regulations.

B. *Failure to have property timely reinspected.* Following inspection and notice of violations, should the owner, the owner's responsible local agent, or the person responsible for the structure fail to facilitate a reinspection prior to the date specified for correction of the violations or by any extended date granted by the Department, it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

C. *Inability to conduct reinspection.* Should the Department not be able to gain entry to a residential rental structure or residential rental unit for a scheduled reinspection then it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

Section 13 – Notice of Intent to Inspect

If the owner fails to register a residential rental structure, the Department will send notice by First Class mail to register the subject structure, unit(s), and/or accessory facilities to the owner at the mailing address of record with the Township Assessor's Office. Owners shall have fourteen (14) days from the date of mailing to submit the completed registration forms and fees, and to schedule an inspection appointment. In the event an owner fails to comply, the Department may issue a citation for renting without a certificate of compliance and schedule a formal hearing before the presiding judge in the district court.

Section 14 – Inspection Guidelines and Property Maintenance Standards

The rental housing inspection guidelines shall be the provisions of Ordinance No. 137 of the Code of Ordinances entitled Property Maintenance Ordinance.

Section 15 – Notices and Orders

A. Official notices and orders issued pursuant to this article, including but not limited to inspection scheduling notices, inspection reports, notices of code violations, and invoices, shall be served upon the owner or designated responsible local agent by First Class mail to the address reported on the registration form, in person, or by email to the email address reported on the registration form upon written consent of the owner or responsible local agent.

B. Whenever the Building Official or their designee determines that there has been a violation of any section of this Ordinance, a Notice of Violation shall be given to the Responsible Local Agent of such alleged violation and order for correction of the violation as provided for in the Property Maintenance Ordinance, Ordinance No. 137, of the Code of Ordinances.

C. Whenever a Notice of Violation has been issued for any code violation that, in the Building Official's opinion, constitutes a serious and imminent hazard to the health and safety of the occupants of a dwelling, the Department shall also provide a written copy of the Notice of Violation to the tenant or occupants of the dwelling in accordance with State Housing Law.

Section 16 – Appeal Process

A. Appeal of Applicability of the Ordinance.

1. If the owner or responsible local agent disagrees with the written opinion of the Building Official or their designee as to whether the subject residential rental structure, unit, accessory facility, or exterior building/grounds is subject to provisions of this Ordinance, the owner or responsible local agent may appeal to the Township Board of Trustees.

2. Any owner or responsible local agent requesting such an appeal shall file a written request therefor to the Building Department within ten (10) days after the date of the written opinion of the Building Official. The appeal shall be made in writing and mailed, or hand delivered to the Building Department.

3. As soon as practical, the Township Board of Trustees shall fix a time, date and place for a hearing and provide notice of the same to the owner or responsible local agent ten (10) days before the scheduled hearing date.

4. The Township Board of Trustees shall hear evidence and testimony by Township Departments and other concerned individuals regarding the appeal. The owner or responsible local agent, and/or their representatives, shall be allowed to present evidence and testimony at the hearing on the issues that are the subject of the appeal. After the hearing, the Township Board of Trustees shall decide by Resolution whether the subject structure or dwelling shall be regulated pursuant to provisions of this Ordinance. The decision of the Township Board of Trustees shall be final and shall be binding on the owner, responsible local agent, tenant, and the Township.

5. The owner may appeal the final decision of the Township Board of Trustees to the Oakland County Circuit Court within twenty-one (21) days of the date of the final decision.

B. Appeal of Notice of Violation of the Property Maintenance Code.

1. If the owner or responsible local agent disagrees with the opinion of the Building Official or their designee as to the existence of an alleged violation, or the period of time that will be reasonably required to correct the alleged violation as set forth in the notice of violation, the owner or responsible local agent may appeal as provided for in the Property Maintenance Ordinance, Ordinance No. 137, of the Code of Ordinances.

Section 17 – Fees

A. Reasonable fees to receive and process registrations, to schedule and perform inspections, to invoice and collect fees, to issue certificates of compliance, and for other miscellaneous requirements to administer this Ordinance shall be established by resolution adopted by the Township Board of Trustees and shall be placed on file and made available to the public by the Township Clerk's Office.

B. A fee will be charged when an inspector is unable to conduct a scheduled inspection because the person responsible for facilitating access was not present to do so, when the inspector is effectively locked out of the area to be inspected, and when an administrative search warrant is necessary to facilitate an inspection.

Section 18 – Right to Examine Certificate of Compliance; Certification Registry

A. The owner or responsible local agent shall provide a copy of a valid certificate of compliance to the tenant or prospective tenant upon request.

B. The Building Department shall maintain a registry of all residential rental structures and residential rental units that have been granted certificates of compliance or have had a certificate of compliance denied, suspended, or revoked. Such registry shall be available for public inspection.

Section 19 – Harassment

A. Any owner or responsible local agent who harasses or threatens a tenant or person who pays rent with loss of occupancy as a result of filing a valid complaint shall be responsible for a municipal civil infraction.

B. Any tenant or person who pays rent who shall maliciously or frivolously cause an inspection to be made for the purpose of harassing any individual, owner or responsible local agent, corporation, or governmental agency when no violation is present shall be responsible for a municipal civil infraction.

C. The Building Official and/or their designees shall not be harassed, stalked, threatened, hindered, assaulted, or otherwise interfered with in the performance of their duties. Notwithstanding any other section in this Ordinance, a violation of this subsection shall be a municipal civil infraction.

Section 20 – Restrictions and Regulations on Owner-shared or Corporate Vacation Rental Units

A. No more than a total of two percent (2%) of single family residential dwelling units located in Orion Township may be registered and operated as owner-shared or corporate vacation rental units in accordance with the following additional specific restrictions.

1. At the time of adoption of this ordinance, there were approximately 11,843 single family dwelling units situated in Orion Township, of which approximately 237 may be eligible to be registered and operated as owner-shared or corporate vacation rental units. Single family residential units are generally permitted in the R-1, R-2, R-3, SF, SR, or SE zoning districts. For purposes of this ordinance, parcels zoned Planned Unit Development (PUD) and those governed by Consent Judgement (CJ) agreements shall be treated as single-family if their use is consistent with R-1, R-2, R-3, SF, SR, or SE zoning districts.

2. In addition, no more than two percent (2%) of single-family dwelling units situated in any group of individual zoning districts, as depicted in the chart below, may be registered and operated as owner-shared or corporate vacation rental units. At the time of adoption of this ordinance, the approximate number of single-family dwelling units situated in each group of eligible zoning districts, and the approximate number of dwelling units eligible to be registered and operated as owner-shared or corporate vacation rental units subject to the two percent (2%) restriction per zoning district is depicted in the chart below. For purposes of this section, the R-1, R-2, R-3, PUD, and CJ zoning districts constitute one combined group; and the SE, SF, and SR zoning districts constitute one combined group, as depicted in the chart below:

ZONING DISTRICT DESIGNATION	TOTAL UNITS	2% ELIGIBLE
R-1 Single-Family	10,240	205
R-2 Single-Family		
R-3 Single-Family		
PUD Planned Unit Development		
CJ Consent Judgement Agreement		
SE Suburban Estates	1,603	32
SF Suburban Farms		
SR Suburban Ranch		
Subtotals	**11,843**	**237**

3. In addition, no more than two percent (2%) of single-family dwelling units situated along the lakeshore perimeter of any individual named body of water located in Orion Township may be registered and operated as owner-shared or corporate vacation rental units. At the time of adoption of this ordinance, there were approximately 1,326 single-family dwelling units situated along the lakeshore perimeter of all individual named bodies of water, of which 26.52 represents the two percent (2%) limit. The number of lakeshore units eligible to be operated as owner-shared or corporate vacation rentals subject to the two percent (2%) restriction shall be rounded up to the nearest whole number for each body of water resulting in a total of thirty-eight (38) eligible vacation rentals as depicted in the chart below:

BODY OF WATER	TOTAL UNITS	2% OF UNITS	ELIGIBLE UNITS (ROUNDED UP)
Buckhorn Lake	26	0.52	1
Bunny Run Lake	48	0.96	1
Carpentar Lake	15	0.3	1
Dark Lake	1	0.02	1
Elkhorn Lake	52	1.04	2
Greens Lake	2	0.04	1
Heather Lake	47	0.94	1
Indianwood Lake	100	2	2
Judah Lake	47	0.94	1
Lake Orion	390	7.8	8
Lake Sixteen	0	0	0
Lonesome Lake	9	0.18	1
Long Lake	124	2.48	3
Manitou Lake	53	1.06	2
Mills Lake	19	0.38	1
Mud Lake	9	0.18	1
Pungs Lake	19	0.38	1
Round Lake	6	0.12	1
Square Lake	119	2.38	3
Tommys Lake	52	1.04	2
Voorheiss Lake	188	3.76	4
Subtotals	**1,326**	**26.52**	**38**

B. Existing Non-Conforming Uses.

Any owner-shared or corporate vacation rental unit that legally existed as a non-conforming use prior to the effective date of this Ordinance may continue operation provided that the property owner meets both of the following conditions:

1. Registration: The owner registers the unit with the Township Administration within sixty (60) days of the effective date of this Ordinance.

2. Inspection and Certification: The unit successfully undergoes and passes an inspection and certification process conducted by the Township.

3. The Board of Trustees may, at its sole discretion, waive the payment of registration fees for previously existing owner-share or corporate vacation rental units conditioned upon the timely submission of a registration application form and compliance with all other ordinance requirements. Fees for required inspections shall still apply.

Units that satisfy these conditions are deemed "existing non-conforming uses" and shall count toward the overall two percent (2%) limitation applicable to Owner-shared or corporate vacation rental units in each designated lake area.

C. New owner-shared or corporate vacation rental units and the two percent (2%) Limitation.

New owner-shared or corporate vacation rental unit applications shall be accepted by the Township Administration only until the combined total of existing non-conforming uses and newly approved owner-shared or corporate vacation rental unit reaches the two percent (2%) cap in each designated lake area, each designated zoning district group, and the entire Township as a whole. In any area where this cumulative total meets or exceeds the two percent (2%) threshold, no new applications shall be accepted until an existing owner-shared or corporate vacation rental unit ceases operation.

D. Legal Non-Conforming Status Appeals Process.

If the Township Administration denies a registration or exemption request for an owner-shared or corporate vacation rental unit due to insufficient evidence of non-conforming status, the property owner may appeal the decision to the Orion Township Board of Trustees. The Board of Trustees shall render a decision on the appeal within thirty (30) days of its submission.

E. The Board of Trustees may, by Board Resolution, adjust the total percentage or the total number of owner-shared or corporate vacation rental units permitted in the Township, or in any designated zoning district, or along the lakeshore perimeter of any individually named body of water, provided that any such adjustment shall not represent a health and safety concern for the Township.

F. The owner of any owner-shared or corporate vacation rental unit shall do all of the following regardless of location or exemption of fees:

1. Maintain liability insurance of $1,000,000.00 or more on each unit while it is being offered for rent and/or occupied unless that unit is offered through a hosting platform that maintains equal or greater insurance coverage; proof of such coverage shall be provided to the Township. Insurance coverage described in this subdivision must defend and indemnify the owner and any tenants for bodily injury and property damage.

2. Post all of the following information in a conspicuous place in every room in the dwelling:

    a. The owner's or manager’s emergency contact information, including a working telephone number that shall be answered twenty-four (24) hours each day.
    b. Information regarding local emergency services and the location of emergency medical facilities, including a working telephone number for the police and fire department in which the unit is located.
    c. The floor plan and escape routes for each posted room.

Section 21 – Penalties

A. Municipal Civil Infraction / Payment of Fine. Any person. firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.* as amended, and shall pay a civil fine as follows:

1. First offense: Three Hundred Dollars ($300) plus costs, including expenses, direct or indirect, to which the Township has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs;
2. A repeat offense within a twenty-four (24) month period of a finding of responsibility of a First offense: Five Hundred Dollars ($500) plus costs, including expenses, direct or indirect, to which the Township has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs.

B. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

C. Costs. A person, firm, or corporation ordered to pay a fine under Subsection (a) shall be ordered by the district court judge or magistrate to pay costs of not more than Five Hundred Dollars ($500), which costs may include all expenses, direct or indirect, to which the Township has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs.

D. Additional Writs and Orders. A person who admits. is found responsible, or who fails to appear and is defaulted for a violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101. *et seq.,* as amended.

E. Default on Payment of Fines and Costs. A default in a payment of a civil fine, costs, damages, or expenses ordered under Subsections (a) or (c) or an installment of the fine, costs, damages, or expenses as allowed by the court, may be collected by the Township by means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act. MCL 600.101, *et seq.,* as amended.

F. Failure to Comply with Judgment or Order. If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court. the court may proceed under Subsection (g).

G. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township, or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.

3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment. the

court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment. reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.

5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one (1) day for each Thirty Dollars ($30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars ($30) per day.

6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:

   i. Defendant is credited with an amount due pursuant to Subsection (G)(5).
   ii. The amount due is collected through execution of process or otherwise.
   iii. The amount due is satisfied pursuant to a combination of Subdivisions (G)(6)(i) and (ii).

7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection (G)(6).

H. Lien Against Land, Building, or Structure. If a defendant does not pay a civil fine or costs or installment ordered under Subsection (a) or (c) or pay an invoice as ordered under Subsection (d) within thirty (30) days, or as otherwise ordered by the district court. after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.

2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first class mail to the owner of record of the land. building. or structure at the owner's last known address.

3. The lien may be enforced and discharged by the Township in the manner prescribed by its Charter. by the General Property Tax Act. Act No. 206 of the Public Acts of 1893, being Sections 211.1, 2211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 211.60 of Act No. 206 of the Public Acts of 1893. being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections (a) or (c) unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.

4. A lien created under this section has priority over any other lien. unless one or more of the following apply:

   i. The other lien is a lien for taxes or special assessments.
   ii. The other lien is created before the effective date of the amended ordinance that added this section.
   iii. Federal law provides the other lien has priority.

iv. The other lien is recorded before the lien under this section is recorded.

5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However. an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building. or structure.

6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced

Section 21 – Repeal

All other ordinances or parts of ordinances which are inconsistent or in conflict herewith are hereby repealed to the extent of such inconsistency or conflict.

Section 22 – Severability

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the of the ordinance as a whole or part thereof other than the part declared to be invalid.

Section 23 – Effective Date

This ordinance shall become effective after publication as provided by law.