

**Charter Township of Garfield
Grand Traverse County, Michigan
TRANSITIONAL HOUSING LICENSING ORDINANCE
Ordinance No. 77**

**AN ORDINANCE REGULATING THE LICENSING AND OPERATION OF
TRANSITIONAL HOUSING FACILITIES WITHIN GARFIELD TOWNSHIP TO
PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS
AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF**

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to ensure the habitability of dwelling units and structures being leased to others or otherwise being occupied by others than the owner and/or persons related to the owner and for the promotion of the health, safety and welfare of the residents of the Township and the residents of the transitional housing facilities; to assist the Township with information to provide more adequate police, fire and emergency 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 the Township.

Section 2. Definitions

As used in this ordinance, the following terms have the following meanings:

"Authorized Township Official" refers to the Charter Township of Garfield Building Official and Building Inspectors, Code Enforcement Officers, Zoning Administrator and any such other departments or agencies authorized by the Township Board.

"Person" means an individual, partnership, association, limited liability company or corporation.

"Residential care facilities" are those facilities licensed by the State of Michigan pursuant to the Adult Foster Care Licensing Act, MCL 400.701 et. seq., where care, services, or treatment is provided to persons living in a supportive community residential setting.

"Township Clerk" and **"Township Board"** mean, respectively, the Charter Township of Garfield Township Clerk and the Board of Trustees.

For purposes of this Licensing Ordinance, a "Transitional housing facility" is a type of institutional use with administrative supervision that provides, through permanent facilities and guidance personnel, resident beds, structured or supervised peer group living and limited programming emphasizing social rehabilitation with support and guidance toward the goals of independent living as they transition from institutional living. A transitional housing facility also includes emergency shelter housing which is safe housing provided for those who are homeless

or those who are fleeing situations of domestic or sexual violence. In these situations, the housing is treated as the individuals' home with staffing and services available. A transitional housing facility may include provision of food and clothing and support services such as counseling, education, and transportation. A transitional housing facility includes but is not limited to homeless shelters, halfway houses, missions, religious organizations with overnight stay, other forms of temporary emergency housing or shelter, and similar facilities. A transitional housing facility does not include: (1) a "family" under Article Two, Section 201 of the Charter Township of Garfield Zoning Ordinance, whether licensed by the state, county or otherwise; (2) any facility owned and operated directly by the Federal Bureau of Prisons; or (3) an adult foster care home of twelve (12) persons or less, licensed under the Michigan Adult Foster Care Licensing Facilities Act, MCL 400.701 et. seq.

Section 3. License Required

No person shall engage, or be engaged, in the operation, rental or leasing of a transitional housing facility for which a license is required by any provision of this Ordinance without first obtaining a license from the Township in the manner provided herein.

Section 4. Multiple Transitional Housing Facilities

No person operating, renting, or leasing any transitional housing facility shall obtain an individual license for each transitional housing facility. The grant of a license for one transitional housing facility shall not relieve the person from the necessity of securing individual licenses or permits for each transitional housing facility. In the event the transitional housing facility is a building containing more than one dwelling unit, only one license is required for each individual transitional housing facility or even though multiple dwelling units occupied by multiple individuals may be contained within the building.

Section 5. Exemption Where Other Governmental Licenses; Notice

In the event a transitional housing facility has obtained a license from the State of Michigan, Grand Traverse County, or a federal agency, for operation of the facility, said transitional housing facility shall be exempt from the requirement to obtain a license herein. However, the owner and operator of the transitional housing facility shall be required to provide a copy of any license issued by the State of Michigan, Grand Traverse County, or federal agency to the Township within sixty (60) days of adoption of this Ordinance, and thereafter on an annual basis in January. Failure to provide current copies of licenses to the Township shall be a violation of this Ordinance punishable in accordance with Section 30 herein.

Section 6. License Application

Unless otherwise provided in this Ordinance, every person required to obtain a license from the Township to engage in the operation, rental, or leasing of any transitional housing facility home shall apply for said license to the Township Clerk upon forms provided by the Township Clerk and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license.

Section 7. License Year

Except as otherwise herein provided as to certain licenses, the license year shall begin January 1st of each year and shall terminate at midnight on December 31st of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be applied for sixty (60) days prior to the annual expiration date and issued at least fifteen (15) days prior to the annual expiration date.

Section 8. Conditions of Issuance; Issuance

No license shall be granted to any applicant until such applicant has complied with all the provisions of this Ordinance and all other applicable Garfield Township ordinances, including but not limited to the Property Maintenance Ordinance, Dangerous Buildings Ordinance and the Zoning Ordinance.

Section 9. Approval or Denial of Application

All transitional housing facilities licenses shall be issued by the Township Clerk or his/her designee after certification of the Grand Traverse County Sheriff Department, Grand Traverse Metro Fire Department, Township Building Official, and any other Township Official who shall be responsible for the investigation of any transitional housing facility license application. The Township Clerk shall act to approve or deny an application for a license within a reasonable period and in no event will he/she act to approve or deny said license later than sixty (60) days from the date of a technically complete application to the Township Clerk's office. In determining whether the license should be granted, the Township Clerk or his/her designee will determine whether the applicant has met the standards of this Ordinance and all other Charter Township of Garfield Ordinances and other applicable codes regulations of the State of Michigan, County of Grand Traverse, other applicable regulatory agencies, and of the Township, including deciding of whether granting the application would result in an excessive concentration of such transitional housing in a particular area.

Section 10. License Denial

Any person whose initial request for a license is denied shall have a right to a hearing before the Township Board, provided a written request therefore is filed with the Township Supervisor within (10) days following such denial. The Township Board shall have the right to affirm a denial of a license, or the Township Board may grant any license, with or without conditions. In reviewing the applicant's request, the Township Board will consider whether the applicant has met the standards of this Ordinance and all Charter Township of Garfield Ordinances and other applicable codes regulations of the State of Michigan, County of Grand Traverse, other applicable regulatory agencies, and of the Township as required prior to the granting of the license.

Section 11. Where Certification Required

No license shall be granted where the certification of any office of the Township is required prior to the issuance thereof until such certification is made.

Section 12. Certificate of Other Governmental Agencies

In all cases where the certification of any other governmental agency is required prior to the issuance of any license by the Township Clerk, such certification shall be submitted at the time of application for a license to the Township. The application will not be considered technically complete until the certification is submitted. No license shall be issued by the Township until other required governmental approvals are obtained, and proof of such approvals presented to the Township Clerk.

Section 13 Inspection Required

The licensee will be required to submit to lawful inspections by Authorized Township Officials. The Township Clerk or his or her designee may refuse to issue a license or permit to any applicant until he or she has a report from any department he or she deems necessary to make an inspection that the applicant or the premises comply with all ordinances and regulations. Persons inspecting licensees, their businesses or premises as herein authorized shall report all violations of this chapter or of other laws or ordinances to the licensing officer and shall submit such other reports as the licensing officer shall order.

Section 14. License Fees

Any license fees required by this Ordinance shall be paid at the Treasurer's Office before the granting of said license. License Fees shall be those set by Resolution of the Township Board. In the event the transitional housing facility contains more than one dwelling unit, even though only one license is required for each individual building, a fee shall be paid for each individual dwelling unit contained within each licensed building to cover the costs associated with the inspection of each individual dwelling unit.

Section 15. Late Renewals

All fees for the renewal of any license which are not paid at the time they are due shall be paid as "late fees" with an additional twenty-five (25%) percent of the license fee required for such licenses for the first fifteen (15) days that such license fee remains unpaid, and after 15 days, the initial license fee with an additional fifty (50%) percent of such fee.

Section 16. Exhibition of License

The transitional housing facility license shall always be exhibited in a conspicuous place on the premises. Every licensee shall produce its/his/her license for examination when applying for a renewal thereof or when requested to do so by a Township police officer or by any person representing the Township.

Section 17. Displaying Invalid License

No person shall display any expired license or any license for which a duplicate has been issued.

Section 18. Transferability; Misuse.

No license issued under the provisions of this Ordinance shall be transferable unless specifically authorized by the provisions of this Ordinance. Unless specifically authorized by this Ordinance, no licensee shall transfer or attempt to transfer its/his/her license to another or make any improper use of the same.

Section 19. Misuse; Automatic Revocation

Unless specifically authorized by this Ordinance, in addition to the general penalty provision for violation of this Ordinance under Section 29, any attempt by a licensee to transfer its/his/her license to another or to use the same improperly shall result in the automatic revocation of such license or permit.

Section 20. Suspension or Revocation of License; Notice of Hearing

- (a) When any of the provisions of this Ordinance are violated by the licensee, an employee, or independent contractor of the licensee, or individuals residing in the transitional housing facility, and/or when any licensee, employee or independent contractor, or individuals residing in the transitional housing facility are engaged in any conduct which violates any State law or Township ordinance, or for any good "cause," the Township may suspend or revoke the license after notice and a hearing. The term "cause" as used in this Ordinance includes the doing or omitting of any act or permitting any condition to exist in connection with the transitional housing facility, which act, omission or condition is contrary to the health, safety and welfare of the public; is unlawful, irregular or fraudulent in nature, is unauthorized or beyond the scope of the license issued, or is forbidden by this Ordinance or any other law. "Cause" shall include, but not be limited to:
- (1) Acts, omissions or conditions that are contrary to the health, morals, safety or welfare of the public;
 - (2) Acts, omissions or conditions that are unlawful, irregular or fraudulent in nature.
 - (3) The arrest and conviction of the licensee for any crime involving moral turpitude.
 - (4) Acts, omissions, or conditions that are unauthorized or beyond the scope of the license granted.
 - (5) Acts, omissions or conditions that are forbidden by the provisions of this Ordinance or any other duly established rule or regulation of the Township applicable to the business;
 - (6) Maintenance of a nuisance upon or in connection with the licensed premises, including, but not limited to, any of the following:
 - A. An existing violation(s) of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory laws or ordinances,

- B. A pattern of patron conduct in the neighborhood of licensed premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood,
 - C. Failure to maintain the grounds and exterior of the licensed premises free from litter, debris or refuse blowing or being deposited upon adjoining properties.
 - D. Failure to maintain the grounds and exterior of the licensed premises in accordance with an approved site plan.
 - E. Failure to maintain the business or premises in compliance with any approved site plan or other approval granted by the Township, including but not limited to, a special land use approval and any conditions attached thereto.
 - F. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, morals, safety, or welfare of the public.
- (7) Failure by the licensee to permit the inspection of the licensed premises by the Township's independent contractors or employees in connection with the enforcement of this Ordinance.
- (8) Fraud or material misrepresentation in the application for a license or in the operation of the licensed business.
- (9) "Cause" shall also include the nonpayment of personal property taxes, real property taxes or any other obligation due and payable to the Township relating to the licensed premises.
- (b) For conditions posing an imminent threat to the public health, safety and welfare of the community, transitional housing facility residents, employees or others, an Authorized Township Official, with the approval of the Township Supervisor or his/her designee, is hereby granted the authority to suspend immediately, without notice or a hearing, any license granted hereunder. However, notice of the suspension shall be given to the licensee within seventy-two (72) hours from the time and date of suspension and the notice shall include the reason for the action. The notice of suspension to the licensee shall contain the effective date and time of such suspension. Notice shall be hand-delivered to the licensee, manager, person in charge, or a resident of the transitional housing facility and sent by first class mail to the licensee's last known address. A copy of the notice shall be posted on the front of the transitional housing facility.
- (c) If an Authorized Township Official determines that any licensee, employee or independent contractor, or individual residing in the transitional housing facility is engaged in any conduct which violates any State law or Township ordinance, or is in violation of this Ordinance, the respective official shall prepare a report in writing specifying (1) the specific factual details of such violation(s), and (2) the particular Ordinance subsection(s) violated. The original report shall be filed with the Township Supervisor, who shall provide a copy to the Township Board,

and serve a copy of such report upon the licensee or its authorized agent or employee personally or by registered mail.

- (d) Within twenty (20) days from the date the report has been filed with the Township Board, the Township Clerk shall set a date for a hearing before the Township Board on the alleged violation(s) for a determination by the Township Board as to whether the Township Board shall suspend or revoke the license. Notice of the hearing shall be served by the Township Clerk or his/her designee upon the licensee, manager, or person in charge personally or by registered mail not less than seven (7) days before a scheduled hearing date. The notice shall advise the licensee of its right to be represented by legal counsel at the hearing before the Township Board. Additionally, a copy of the notice shall be posted on the front of the transitional housing facility. The notice shall indicate that the Township has initiated suspension and/or revocation proceedings before the Township Board and state the reason(s) why the Township is requesting a suspension or revocation. The notice shall state the location of the hearing and the date and time that the licensee may appear before the Township Board to give testimony and show cause why the transitional housing facility license should not be suspended or revoked.
- (e) At all such hearings, the licensee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in its own behalf, by being allowed to present arguments, personally or through legal counsel in its own behalf.
- (f) The Township Board shall hear evidence and testimony by Township Departments and other concerned individuals regarding the request for suspension or revocation. The licensee shall be allowed to present evidence and testimony at the hearing as to why the license should not be suspended or revoked. After the hearing, the Township Board can revoke the transitional housing facility license, deny the suspension or revocation of the license, or suspend the license for a specific period to require the licensee to take corrective actions as set out in a Resolution of the Township Board before the license will be restored.
- (g) The Township Board shall prepare a written statement of its findings within thirty (30) days of the conclusion of all such hearings and shall serve such findings with the licensee either personally or by registered mail. If the Township Board decides that the license shall be suspended or revoked, the licensee shall forthwith surrender the same to the Township Clerk and shall not thereafter conduct, operate, rent, or lease the transitional housing facility for which the license was granted unless and until the license is restored and a new license issued to him/her/it.
- (h) If the licensee fails to take corrective action by the date specified by Resolution of the Township Board, the license shall be revoked. Upon suspension or revocation of any license, the Township Clerk shall not issue a new license to the licensee without prior approval of the Township Board.
- (i) The licensee may appeal the final decision of the Township Board to the Grand Traverse County Circuit Court.

Section 21. Sale, Transfer, or Change of Location

Upon sale of a transitional housing facility, the license issued therefore shall become null and void. A new application shall be filed as provided in this Ordinance prior to the leasing, renting, operating, or occupying of the transitional housing facility. It shall be the duty of all licensees having knowledge of the sale of a transitional housing facility to immediately report such sale to the Township Clerk or his/her designee. The failure to do so shall be a violation of this Ordinance punishable as set forth in Section 30 and shall result in an immediate suspension of the transitional housing facility license.

Section 22. Financial Assurances

Where the provisions of this Ordinance require that the applicant for any license furnish a financial assurance, such financial assurance shall be furnished in an amount deemed adequate by the Township Clerk or his/her designee, or where the amount thereof is specified in this Ordinance or by Resolution of Township Board, in the amount so required. The form of such financial assurance shall be acceptable to and approved by the Township attorney.

Section 23. Expiration of Transitional Housing Facility License

All licenses issued under this Ordinance shall expire either:

- (a) One (1) year from the date of issuance; or
- (b) Any time the ownership of the premises changes; or
- (c) Any time the license is suspended or revoked, whichever occurs first.

Section 24. Renewal of Transitional Housing Facility License

Unless otherwise provided in this Ordinance, an application for renewal of a license shall be considered in the same manner as an original application. Should an application for renewal of an existing license be denied by the Township, the denied applicant may appeal said decision by filing with the Township Clerk a written request for a hearing before the Township Board. Such request must be served upon the Township Clerk within two (10) days of the applicant's receipt of the denial notice. To obtain renewal of a business license:

- (a) The applicant(s) shall present the following information to the Township Clerk or his/her designee.
 - (1) A sworn affidavit by the applicant(s) stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes that have occurred.

- (2) The names, addresses, birth dates and driver's license numbers of each owner and individual who will be a manager, acting manager or in charge of each facility.
- (b) Inspections shall be conducted by Authorized Township Officials to verify that the requirements of all applicable Township Ordinances are being met prior to renewal of the license.

Section 25. Applicability of Regulations to Existing Businesses

The provision of this Ordinance shall be applicable to all transitional housing facilities, whether the transitional housing facility or was established before or after the effective date of this Ordinance. However, those transitional housing facilities existing prior to the date of adoption of this Ordinance will have a 60-day grace period from the date of adoption within which to comply with all the conditions and requirements of this Ordinance set forth herein. The Township shall send written notice to all known transitional housing facilities operating in the Township when this Ordinance is adopted. Such notice shall be sent by certified mail to the property owner of record and to each occupant located on the property.

Section 26. Exemptions

The provisions of this Ordinance shall not apply to any agency of the United States of America, the State of Michigan, or any political subdivision thereof.

Section 27. Violation and Penalty

Violation of a provision of this Ordinance is a municipal civil infraction. In addition, a violation of this Ordinance is hereby declared to be a *nuisance per se* and the Township specifically reserves the right to proceed in any court of competent jurisdiction to obtain an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Every day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties and sanctions as a separate offense.

Section 28. All Ordinances inconsistent herewith are hereby repealed.

Section 29. Effective Date.

This Ordinance will become effective seven (7) days following its publication in a newspaper in general circulation within the Township as provided by law.

At a regular meeting held on January 10, 2023, a motion was offered by Steve Duell, with support from Chris Barsheff, to approve the foregoing Ordinance No. 77. The motion carried as follows in a roll call vote.

Upon roll call vote, the following voted:

YES: Duell, Barsheff, McManus, Macomber, Agostinelli, Schmuckal, Korn

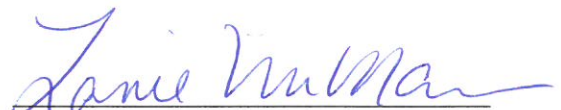
NO: None

ABSENT: None

ORDINANCE NO. 77 ADOPTED.




Chuck Korn, Supervisor



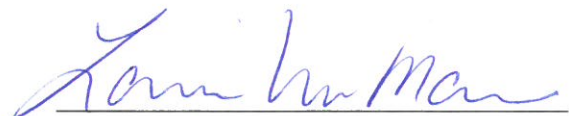
Lanie McManus, Clerk

CERTIFICATE

I, Lanie McManus, the Clerk of Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Ordinance No. 77 which was adopted by the Township Board of the Charter Township of Garfield on the 10th day of January, 2023 Garfield Township Ordinance No. 77 shall take effect upon the expiration of seven (7) days following publication.



Dated: January 11, 2022



Lanie McManus, Clerk

Introduced: May 10, 2022
Adopted: January 10, 2023
Published: January 15, 2023
Effective: January 22, 2023