



PLANNING COMMISSION MEETING

DATE: April 22, 2024

SUBJECT: Short Term Rental Regulations Draft 2

SUMMARY: New regulations have been prepared for the Planning Commission's review. This includes revisions to the previously presented police-power ordinance, along with another document that contains new regulations that would be contained within the City's Zoning Ordinance.

Zoning regulations are focused on specific land uses. Any amendment to the Zoning Ordinance requires a public hearing by the Planning Commission before the amendment can be considered by the City Council. Amending a zoning ordinance can take months.

Alternatively, by incorporating most of the regulations as a police-power ordinance, flexibility is preserved in crafting specific regulations that cover a wide range of concerns involving short-term rentals besides the use of the land itself, such as permitting, enforcement, and nuisance-related matters. A police-power ordinance is best viewed as a broad law to protect public health, safety, and welfare. Amendments to police-power ordinances can be made quicker than zoning amendments.

A summary of major revisions to the police-power ordinance are as follows:

- Clarifies the definition of person to better capture the various relationships between parent, holding, and subsidiary companies.
- Reduced the number of licenses offered from 30 to 20.
- Requires all licensees to post a cash bond with the City.
- Changes the calculation of maximum occupancy to be the lessor of two (2) occupants per bedroom plus two (2) additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Residential Code, or the occupancy limitations set forth in Section 404 of Chapter 4 of the International Property Maintenance Code.
- Requires all licensees to develop a nuisance response plan which includes pertinent contact information for parties who wish to report violations and will be made available online as well as mailed to surrounding property owners.

Under the draft zoning regulations, all short-term rentals would be permitted as a special land use in the following zoning districts:

- NMU: Neighborhood Mixed Use
- CMU: Corridor Mixed Use
- CBD: Central Business District
- NR-3: Neighborhood Residential 3
- NR-2 Overlay Zone

Sec 1 – Purpose

The purpose of this Article is to secure the public health, safety and general welfare of City residents and property owners as well as visitors to the City, by regulating short-term rental properties to prevent nuisances and safety hazards that interfere with City residents' or property owners' rights to conduct normal, daily activities without unreasonable interference and to provide safe and healthy living arrangements for visitors who rent property on a short-term basis.

Sec 2 – Definitions

As used in this Article, the following words and phrases shall have the meanings herein ascribed to them:

- a. *Dwelling* means any house, room, or apartment which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating.
- b. *License* means a short-term rental license issued by the City to the owner of a premises authorized to be used as a short-term rental. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license. All licenses terminate upon transfer of ownership, and may not be assigned, transferred, or hypothecated, in whole or in part.
- c. *Licensee* means the owner(s) holding a license.
- d. *Maximum Occupancy* means the maximum number of allowable occupants for the premises.
- e. *Nuisance* means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual, or the generation of an excessive or concentrated effects from movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise from a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent premises which lacks sufficient parking and vehicle circulation facilities.
- f. *Occupant*. Means a non-owner living in, sleeping in, or otherwise having possession of a premises.
- g. *Owner* means a person holding legal or equitable title to the premises. An owner may designate an agent to perform duties or receive notice under this Chapter.
- h. *Person* means any individual, company, partnership, corporation, limited liability company, trust or other entity having the legal capacity to own or lease real property. For the purpose of this Ordinance, a parent company, holding company, subsidiary, ancillary or auxiliary company or any related entity shall be considered the same entity as their related entities.
- i. *Premises* means real property, and all fixtures and improvements, including the dwelling, located on it.
- j. *Rent or Rental* means to permit, provide for, or offer possession or occupancy of a dwelling on a premises on which the owner does not reside for a period of time to a person who is not the owner, pursuant to a written or unwritten agreement.

- k. *Short-term rental* means the rental or subletting of any dwelling on a premises for a term of 28 days or less.
- l. *Short-term rental, investor-owned* means a premises licensed under this Article that is not the principal residence of the owner, meaning that it is a location where the owner does not reside for at least half the year. If the property has not been issued a principal residence exemption by the City Assessor, there shall be a rebuttal presumption that it is investor-owned for the purposes of this Article.
- m. *Special Event Venue* means the place where a meeting or event of a specific type takes place and/or is held (i.e. – weddings, showers, and other parties/gatherings) that exceed the defined building/room capacity of the dwelling and/or structure.
- n. *Transfer of Ownership* has the meaning ascribed to it by MCL 211.27a or any subsequent sections or statues of the same import.

Sec 3 – License Required

- a. *General Regulations*: It shall be unlawful for any person to offer any premises as a short-term rental or conduct or operate a short-term rental on any premises within the City without a short-term rental license issued by the City.
- b. *Specific Regulations*: Persons seeking to operate a short-term rental must be registered with and licensed by the City prior to the commencement of any short-term rental activity. All short-term rental operations shall comply at all times with the requirements of this Article.

Sec 4 – Exceptions

This Article shall not apply to the following:

- a. *Family Occupancy*. A member of the owner’s family, as well as that family member’s guests, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without compensation to the owner.
- b. *House sitting*. During the temporary absence of the owner and the owner’s family, the owner may permit non-owner occupancy without remuneration to the owner.
- c. *Dwelling sales*. Occupancy following closing by a prior owner after the sale of a premises for the length of time agreed to by the parties to the dwelling sale agreement.
- d. *Estate representative*. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate of the owner, with or without compensation. The estate shall notify the City of the owner's name, date of death or incapacity, and name of the person occupying the premises.

Sec 5 – Licensing Procedure and Criteria

- a. Application

Applicants for a short-term rental license shall file an application to conduct a short-term rental operation with the city on a form provided by the City for that purpose the application shall include:

1. The name, mailing address, and phone number of the owner(s) of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from the owner to the applicant if the applicant is not the owner of the premises sought to be licensed.
4. A description of the premises proposed to be used for short term rentals, including but not limited to:
 - a. Number of bedrooms
 - b. Number of bathrooms
 - c. Maximum Occupancy
 - d. Tax parcel ID number
5. A non-refundable application fee in an amount set from time to time by resolution of the City Council or its designee. If a license is granted, the application fee will be applied towards payment of the license fee.
6. Written confirmation that the premises owner does not have an ownership interest in more than one premises for which a short-term rental license has been issued or is being sought in the City of Grosse Pointe Park.
7. A statement whether the applicant and/or property owner has ever been cited for a violation of this Ordinance or had a short-term rental license revoked.
- 7.8. A nuisance response plan containing the information required by this Ordinance.

All applicants selected to receive a license shall also file with the City prior to the issuance of the license, the following:

1. A licensing fee in an amount set from time to time by the City Council or its designee.
 2. A Cash Bond in the amount of \$1,500.00 which shall be held in escrow by the City while the rental license is active. The bond must be a cash bond in the form of a cashier's check and made payable to the to the City of Grosse Pointe Park. In the event the license is terminated without any finding of a violation under this Ordinance, the bond shall be released to the Licensee in full, without interest. In the event the Licensee is found to be in violation of this Ordinance, the City may declare the cash bond partially forfeited in the amount of the then outstanding violation.
- 2.3. A certificate of general liability insurance coverage issued by an insurance company licensed to do business in the State of Michigan covering the premises and insuring the licensee against risks arising from commercial rental activities on the premises.
- b. Inspections
- a. Upon the selection of a completed license application from the applicant pool, the City will schedule an inspection of the premises with the City Building Inspector. The Building Inspector will visit the premises and assess its fitness and safety for short-term rental operations using the standards contained in this Article and those required to obtain a Certificate of Occupancy pursuant to the City Code. The owner(s) of the premises described in the application shall be the only permitted short-term rental licensee but may designate to the City a local agent for purposes of receiving notices under this Article and shall do so if required by Section 6(b) of this Article.

- b. Each licensed premises shall be inspected annually for the initial three-year license period described in Section 8 of this Article. An inspection fee shall be charged in an amount determined by the City Council from time to time. At the conclusion of the initial license period, inspections for licensed premises shall follow the City's current requirements for registered rental properties.

c. Limits on Issuance of Licenses

The City may issue up to (~~3020~~) short-term rental licenses, under the following conditions:

1. No more than ten (10) licenses may be issued for investor-owned short-term rentals.
2. There must be a 120 feet separation distance between the property lines of each investor-owned short-term rental. This distance shall be measured along the street.
3. Regardless of the number of applicants, no person, including any related entities, may hold more than one license at the same time.
4. Licensees are valid for a period of three (3) years commencing on [REDACTED] following the adoption of this Article, and expiring at midnight on [REDACTED] of the third year following the adoption of this Article. Licenses may be issued at any time, but licenses issued after the first day of the first year of the three-year licensing period will be valid only until the expiration of that licensing period, such that all short-term rental licenses issued by the City will expire at the same time.
5. Licenses which terminate due to revocation by the City, death of the owner, a transfer of ownership of the premises, or any other reason will become available for re-issuance, but will expire at the end of the then three-year licensing period.
6. Licensees will be initially issued on the basis of a blind, random drawing conducted by the City. All complete applications will be included in the pool from which the license selections are made. The City shall set by resolution the due date for License applications to be included in the pool from which the license selections are made. The City shall also set by resolution the date on which the license selection drawing will be conducted. All premises for which a license is drawn from the license application pool shall be inspected before a license is issued pursuant to Section 5-b of this Article. If the City receives more than 30 license applications by the due date, then licenses which become available due to termination or resignation of a license or failure of the premises to pass inspection may be granted on the basis of a blind, random drawing to qualified applicants who applied by the due date and who were not selected in the initial drawing. The City shall consider any license application submitted after the due date on a first-come first-served basis.
7. Licenses are non-renewable, non-transferrable, non-assignable and remain the sole property of the City. Death of licensee who is a natural person, or a transfer of interest of more than fifty percent (50%) or a lesser but controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the licensed premises, terminates a license immediately.
8. Notwithstanding any other provision of this Article, all licenses expire at the end of the three-year licensing period. If the City chooses to continue issuing short-term rental licenses pursuant to this Article, any person desiring to continue operating a short-term rental must renew their license. Any person desiring to commence operating a short-term rental must apply for a license should the City choose to continue its short-term rental program in order to have the opportunity to obtain a short-term rental license.

Sec 6 – Short-Term Rental Regulations

Premises licensed for short-term rentals under this Article shall comply at all times with all of the following requirements:

- a) No licensee shall advertise a short-term rental unit, unless the advertisement includes the licensee's license number and the maximum occupancy permitted in the unit.
- b) Licensees must be available to receive notices and respond to complaints from neighbors or the City, 24 hours per day, 7 days per week. Licensees who do not reside permanently in Wayne County or who do not maintain a permanent business location in Wayne County shall designate in writing to the City, as part of its application, the name, physical address, phone number(s), fax number (if available) and email address of a local agent. Notwithstanding the local agent's actual authority, the local agent shall be deemed to be the licensee's authorized agent for purposes of serving notice under this Article, including service of a civil infraction citation.
- c) The address of the premises must be prominently displayed inside the main area of the dwelling so that occupants will have it available in case of an emergency,
- d) The licensee's name, address, phone number(s) and email address must be displayed prominently in the main part of the dwelling, along with the name, address, phone number(s), fax number and email address of a designated local agent, if any, and supplied in writing to all persons who rent the premises.
- e) Fire extinguishers, smoke detectors and carbon monoxide detectors adequate for the dwelling, as determined by the City Building Inspector as part of the inspection of the premises, shall be provided, properly mounted and kept fully charged and in good working order at all times. Notwithstanding any inspection by the City building inspector, the fire inspector may inspect any building pursuant to the City Code.
- f) Dwellings may not be sublet by any tenant of the licensee.
- g) Licensee shall provide secure trash receptacles and must make those receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short-term rentals.
- h) Licensee must ensure that the premises complies with all applicable parking regulations under the City Code.
- i) All short-term rentals shall be for the purposes of renting as a temporary dwelling only and may not include any commercial activities such as yard sales, festivals, retreats, class reunions, home occupations or similar uses. Short-term rentals shall not be marketed or used as a special event venue.
- j) The number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of two (2) occupants per bedroom plus two (2) additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Residential Code, or the occupancy limitations set forth in Section 404 of Chapter 4 of the International Property Maintenance Code.

Sec 7 – Licensee Responsibility

The licensee and/or the licensee's local agent shall have the duty to remedy any violations of this Article, or any violation of State law or City Ordinance, by the occupants of a short-term

rental and/or guests of such occupants. For any violation of the foregoing provisions of the City Code, the City may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and email address posted on the interior notice or supplied in the licensee's application. The licensee and/or local agent shall be considered to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the City, whichever is soonest. Upon receiving notice of the violation, the licensee and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a material violation of this Article and may subject the licensee to a municipal civil infraction citation and court enforcement proceedings and the penalties imposed by law. Nothing in this Section limits the City or its authorized designee's right or ability to enforce violations of the City Code against occupants.

Sec 8 – Violations and Penalties.

- a. Violation. A violation of this Article is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- b. Penalties. Any person who violates any provision of this Article shall be responsible for a municipal civil infraction and shall be subject to the penalties or sanctions stated in this subsection, plus the costs of attorney fees of the City in the enforcement. In addition, this Article shall be specifically enforceable by order of the Court to prohibit or enjoin future activities on or about the premises in violation of this Article. Each day this Article is violated shall be considered as a separate violation:
 - a. First and Second Violations: ~~fine of no less than \$250~~ Fine in the amount as established by resolution of the City Council;
 - ~~b. Second Violation: fine of no less than \$500;~~
 - c. b. Third Violation: A fine in the amount as established by resolution of the City Council and the permanent revocation of license. A person whose license has been revoked is ineligible to apply for or receive a license in the future. Appeal from revocation of a short-term license is allowed pursuant to the terms of this section.
- c. Revocation Appeal Procedure. Upon a finding by the City Code Enforcement Officer or his or her Designee of a third violation, the City Code Enforcement Officer or his or her Designee shall prepare or cause to be prepared a written notice specifying the alleged violation and the factual basis for this belief and a statement that the City intends to revoke the license within 14 days.
 - a. The written notice shall inform the licensee of a right to an appeal hearing to show cause as to why the license should not be revoked by filing with the City Clerk a written notice of appeal within 14 days of service of the written notice by the City Code Enforcement Officer or his or her designee.
 - b. If an appeal hearing is requested within 14 days of service of the written notice, the City Clerk shall refer a copy of this notice and the request for appeal hearing to an appeals panel consisting of the City Manager or their designee, Director of Public Safety or their designee, and the Chair of the Planning Commission or their designee. Upon receipt of the written notice and request for appeal, the City Clerk shall confer with the appeals panel to schedule a hearing. The hearing shall be held as soon as practical, but not later than 10 business days after the

filing of the notice of appeal with the City Clerk. The hearing provided for shall be conducted by the appeals panel.

- c. Written notice of the appeal hearing including the time, date, and place of the hearing shall be served on the licensee or the licensee's designated agent either personally or by certified mail, restricted delivery and return receipt requested.
- d. At the hearing, the licensee shall be given an opportunity to present evidence and legal arguments. The licensee may also be represented by an attorney, and the appeals panel may request the assistance of the City Attorney. The appeals panel's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be a final decision. A copy of the appeals panel's written decision shall be provided to the licensee.

Sec 9 – Enforcement

- a. The Code Enforcement Officer or his or her Designee, any police officer having jurisdiction in the City, and other person as may be appointed from time to time by the City Council are hereby designated as the authorized local officials to issue municipal civil infraction citations for violation of this Article.
- b. In addition to enforcing this Article through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Municipal Court to abate or eliminate the nuisance per se or any other violation of this Article.
- c. The remedies provided in this Article are cumulative and the City's exercise of one remedy shall not bar the exercise of other remedies available to it.

Sec 10 – Nuisance Response Plan

- a) Content of Nuisance Response Plans. Each nuisance response plan accompanying an application for a permit required by this Ordinance shall contain the following information and otherwise be in a form required by the City:
 - a. The mailing address and telephone number of the owner or owners of the property to be used as a short-term rental;
 - b. The name, address, and telephone number of the person or persons...
 - c. The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 - d. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Ordinance, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term rental within 30 minutes of the initial nuisance complaint.
 - e. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking or other physical characteristics, if any.
 - f. The number of off-street parking spaces and number of bedrooms available at the short-term rental.
- b) Amendment of Nuisance Response Plans. At any time following the issuance of a permit required by this Ordinance, the owner or owners of a short-term rental being operated pursuant to such permit may change the content of the nuisance response plan

approved incident to the issuance of the permit by filing an amended response plan with the Building Department. Such amended response plan shall contain all of the information required by subsection (a) and shall be accompanied by an amended response plan fee in an amount established by resolution of the City Council.

- c) Notice of Nuisance Response Plan. Promptly following the approval and issuance of a permit required by this ordinance, or the approval of an amended response plan in the manner provided for by this ordinance, the Building Department shall cause notice of the availability of the nuisance response plan provided to the City by the permittee to be:
- a. Mailed by first class mail addressed to the owner or occupant of every property, any part of which is located within a 300-foot radius of the property that is to be used and occupied as a short-term rental; and
 - b. Posted on the city's internet website for short-term rental nuisance response plans, so that all such plans are available to all members of the public on the city's website.

Sec 10-11 – Review of short-term rental licensing program

The City Council or its designee shall review the short-term rental program described in this Article by the end of the initial three-year licensing period on the [REDACTED] of the third year following adoption of this Article. If the City Council does not renew the short-term rental licensing program by that date, the provisions of this Article shall expire such that no existing license shall be renewed, and no licenses shall be granted to applicants on the waiting list. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license.

Sec 1 – Purpose

The purpose of this Article is to secure the public health, safety and general welfare of City residents and property owners as well as visitors to the City, by regulating short-term rental properties to prevent nuisances and safety hazards that interfere with City residents' or property owners' rights to conduct normal, daily activities without unreasonable interference and to provide safe and healthy living arrangements for visitors who rent property on a short-term basis.

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- c. *Licensee* means the owner(s) holding a license.
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- n. *Transfer of Ownership* has the meaning ascribed to it by MCL 211.27a or any subsequent sections or statues of the same import.

Sec 3 – License Required

- a. *General Regulations*: It shall be unlawful for any person to offer any premises as a short-term rental or conduct or operate a short-term rental on any premises within the City without a short-term rental license issued by the City.
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This Article shall not apply to the following:

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Sec 5 – Licensing Procedure and Criteria

- a. Application

Applicants for a short-term rental license shall file an application to conduct a short-term rental operation with the city on a form provided by the City for that purpose the application shall include:

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5. A non-refundable application fee in an amount set from time to time by resolution of the City Council or its designee. If a license is granted, the application fee will be applied towards payment of the license fee.
6. Written confirmation that the premises owner does not have an ownership interest in more than one premises for which a short-term rental license has been issued or is being sought in the City of Grosse Pointe Park.
7. A statement whether the applicant and/or property owner has ever been cited for a violation of this Ordinance or had a short-term rental license revoked.
8. A nuisance response plan containing the information required by this Ordinance.

All applicants selected to receive a license shall also file with the City prior to the issuance of the license, the following:

1. A licensing fee in an amount set from time to time by the City Council or its designee.
 2. A Cash Bond in the amount of \$1,500.00 which shall be held in escrow by the City while the rental license is active. The bond must be a cash bond in the form of a cashier's check and made payable to the to the City of Grosse Pointe Park. In the event the license is terminated without any finding of a violation under this Ordinance, the bond shall be released to the Licensee in full, without interest. In the event the Licensee is found to be in violation of this Ordinance, the City may declare the cash bond partially forfeited in the amount of the then outstanding violation.
 3. A certificate of general liability insurance coverage issued by an insurance company licensed to do business in the State of Michigan covering the premises and insuring the licensee against risks arising from commercial rental activities on the premises.
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- a. Upon the selection of a completed license application from the applicant pool, the City will schedule an inspection of the premises with the City Building Inspector. The Building Inspector will visit the premises and assess its fitness and safety for short-term rental operations using the standards contained in this Article and those required to obtain a Certificate of Occupancy pursuant to the City Code. The owner(s) of the premises described in the application shall be the only permitted short-term rental licensee but may designate to the City a local agent for purposes of receiving notices under this Article and shall do so if required by Section 6(b) of this Article.

- b. Each licensed premises shall be inspected annually for the initial three-year license period described in Section 8 of this Article. An inspection fee shall be charged in an amount determined by the City Council from time to time. At the conclusion of the initial license period, inspections for licensed premises shall follow the City's current requirements for registered rental properties.

c. Limits on Issuance of Licenses

The City may issue up to (20) short-term rental licenses, under the following conditions:

1. No more than ten (10) licenses may be issued for investor-owned short-term rentals.
2. There must be a 120 feet separation distance between the property lines of each investor-owned short-term rental. This distance shall be measured along the street.
3. Regardless of the number of applicants, no person, including any related entities, may hold more than one license at the same time.
4. Licensees are valid for a period of three (3) years commencing on [REDACTED] following the adoption of this Article, and expiring at midnight on [REDACTED] of the third year following the adoption of this Article. Licenses may be issued at any time, but licensed issued after the first day of the first year of the three-year licensing period will be valid only until the expiration of that licensing period, such that all short-term rental licenses issued by the City will expire at the same time.
5. Licenses which terminate due to revocation by the City, death of the owner, a transfer of ownership of the premises, or any other reason will become available for re-issuance, but will expire at the end of the then three-year licensing period.
6. Licensees will be initially issued on the basis of a blind, random drawing conducted by the City. All complete applications will be included in the pool from which the license selections are made. The City shall set by resolution the due date for License applications to be included in the pool from which the license selections are made. The City shall also set by resolution the date on which the license selection drawing will be conducted. All premises for which a license is drawn from the license application pool shall be inspected before a license is issued pursuant to Section 5-b of this Article. If the City receives more than 30 license applications by the due date, then licenses which become available due to termination or resignation of a license or failure of the premises to pass inspection may be granted on the basis of a blind, random drawing to qualified applicants who applied by the due date and who were not selected in the initial drawing. The City shall consider any license application submitted after the due date on a first-come first-served basis.
7. Licenses are non-renewable, non-transferrable, non-assignable and remain the sole property of the City. Death of licensee who is a natural person, or a transfer of interest of more than fifty percent (50%) or a lesser but controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the licensed premises, terminates a license immediately.
8. Notwithstanding any other provision of this Article, all licenses expire at the end of the three-year licensing period. If the City chooses to continue issuing short-term rental licenses pursuant to this Article, any person desiring to continue operating a short-term rental must renew their license. Any person desiring to commence operating a short-term rental must apply for a license should the City choose to continue its short-term rental program in order to have the opportunity to obtain a short-term rental license.

Sec 6 – Short-Term Rental Regulations

Premises licensed for short-term rentals under this Article shall comply at all times with all of the following requirements:

- a) No licensee shall advertise a short-term rental unit, unless the advertisement includes the licensee's license number and the maximum occupancy permitted in the unit.
- b) Licensees must be available to receive notices and respond to complaints from neighbors or the City, 24 hours per day, 7 days per week. Licensees who do not reside permanently in Wayne County or who do not maintain a permanent business location in Wayne County shall designate in writing to the City, as part of its application, the name, physical address, phone number(s), fax number (if available) and email address of a local agent. Notwithstanding the local agent's actual authority, the local agent shall be deemed to be the licensee's authorized agent for purposes of serving notice under this Article, including service of a civil infraction citation.
- c) The address of the premises must be prominently displayed inside the main area of the dwelling so that occupants will have it available in case of an emergency,
- d) The licensee's name, address, phone number(s) and email address must be displayed prominently in the main part of the dwelling, along with the name, address, phone number(s), fax number and email address of a designated local agent, if any, and supplied in writing to all persons who rent the premises.
- e) Fire extinguishers, smoke detectors and carbon monoxide detectors adequate for the dwelling, as determined by the City Building Inspector as part of the inspection of the premises, shall be provided, properly mounted and kept fully charged and in good working order at all times. Notwithstanding any inspection by the City building inspector, the fire inspector may inspect any building pursuant to the City Code.
- f) Dwellings may not be sublet by any tenant of the licensee.
- g) Licensee shall provide secure trash receptacles and must make those receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short-term rentals.
- h) Licensee must ensure that the premises complies with all applicable parking regulations under the City Code.
- i) All short-term rentals shall be for the purposes of renting as a temporary dwelling only and may not include any commercial activities such as yard sales, festivals, retreats, class reunions, home occupations or similar uses. Short-term rentals shall not be marketed or used as a special event venue.
- j) The number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of two (2) occupants per bedroom plus two (2) additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Residential Code, or the occupancy limitations set forth in Section 404 of Chapter 4 of the International Property Maintenance Code.

Sec 7 – Licensee Responsibility

The licensee and/or the licensee's local agent shall have the duty to remedy any violations of this Article, or any violation of State law or City Ordinance, by the occupants of a short-term rental and/or guests of such occupants. For any violation of the foregoing provisions of the City

Code, the City may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and email address posted on the interior notice or supplied in the licensee's application. The licensee and/or local agent shall be considered to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the City, whichever is soonest. Upon receiving notice of the violation, the licensee and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a material violation of this Article and may subject the licensee to a municipal civil infraction citation and court enforcement proceedings and the penalties imposed by law. Nothing in this Section limits the City or its authorized designee's right or ability to enforce violations of the City Code against occupants.

Sec 8 – Violations and Penalties.

- a. Violation. A violation of this Article is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- b. Penalties. Any person who violates any provision of this Article shall be responsible for a municipal civil infraction and shall be subject to the penalties or sanctions stated in this subsection, plus the costs of attorney fees of the City in the enforcement. In addition, this Article shall be specifically enforceable by order of the Court to prohibit or enjoin future activities on or about the premises in violation of this Article. Each day this Article is violated shall be considered as a separate violation:
 - a. First and Second Violations: Fine in the amount as established by resolution of the City Council;
 - b. Third Violation: A fine in the amount as established by resolution of the City Council and the permanent revocation of license. A person whose license has been revoked is ineligible to apply for or receive a license in the future. Appeal from revocation of a short-term license is allowed pursuant to the terms of this section.
- c. Revocation Appeal Procedure. Upon a finding by the City Code Enforcement Officer or his or her Designee of a third violation, the City Code Enforcement Officer or his or her Designee shall prepare or cause to be prepared a written notice specifying the alleged violation and the factual basis for this belief and a statement that the City intends to revoke the license within 14 days.
 - a. The written notice shall inform the licensee of a right to an appeal hearing to show cause as to why the license should not be revoked by filing with the City Clerk a written notice of appeal within 14 days of service of the written notice by the City Code Enforcement Officer or his or her designee.
 - b. If an appeal hearing is requested within 14 days of service of the written notice, the City Clerk shall refer a copy of this notice and the request for appeal hearing to an appeals panel consisting of the City Manager or their designee, Director of Public Safety or their designee, and the Chair of the Planning Commission or their designee. Upon receipt of the written notice and request for appeal, the City Clerk shall confer with the appeals panel to schedule a hearing. The hearing shall be held as soon as practical, but not later than 10 business days after the filing of the notice of appeal with the City Clerk. The hearing provided for shall be conducted by the appeals panel.

- c. Written notice of the appeal hearing including the time, date, and place of the hearing shall be served on the license or the licensee's designated agent either personally or by certified mail, restricted delivery and return receipt requested.
- d. At the hearing, the licensee shall be given an opportunity to present evidence and legal arguments. The licensee may also be represented by an attorney, and the appeals panel may request the assistance of the City Attorney. The appeals panel's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be a final decision. A copy of the appeals panel's written decision shall be provided to the licensee.

Sec 9 – Enforcement

- a. The Code Enforcement Officer or his or her Designee, any police officer having jurisdiction in the City, and other person as may be appointed from time to time by the City Council are hereby designated as the authorized local officials to issue municipal civil infraction citations for violation of this Article.
- b. In addition to enforcing this Article through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Municipal Court to abate or eliminate the nuisance per se or any other violation of this Article.
- c. The remedies provided in this Article are cumulative and the City's exercise of one remedy shall not bar the exercise of other remedies available to it.

Sec 10 – Nuisance Response Plan

- a) Content of Nuisance Response Plans. Each nuisance response plan accompanying an application for a permit required by this Ordinance shall contain the following information and otherwise be in a form required by the City:
 - a. The mailing address and telephone number of the owner or owners of the property to be used as a short-term rental;
 - b. The name, address, and telephone number of the person or persons...
 - c. The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 - d. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Ordinance, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term rental within 30 minutes of the initial nuisance complaint.
 - e. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking or other physical characteristics, if any.
 - f. The number of off-street parking spaces and number of bedrooms available at the short-term rental.
- b) Amendment of Nuisance Response Plans. At any time following the issuance of a permit required by this Ordinance, the owner or owners of a short-term rental being operated pursuant to such permit may change the content of the nuisance response plan approved incident to the issuance of the permit by filing an amended response plan with the Building Department. Such amended response plan shall contain all of the

information required by subsection (a) and shall be accompanied by an amended response plan fee in an amount established by resolution of the City Council.

- c) Notice of Nuisance Response Plan. Promptly following the approval and issuance of a permit required by this ordinance, or the approval of an amended response plan in the manner provided for by this ordinance, the Building Department shall cause notice of the availability of the nuisance response plan provided to the City by the permittee to be:
- a. Mailed by first class mail addressed to the owner or occupant of every property, any part of which is located within a 300-foot radius of the property that is to be used and occupied as a short-term rental; and
 - b. Posted on the city's internet website for short-term rental nuisance response plans, so that all such plans are available to all members of the public on the city's website.

Sec 11 – Review of short-term rental licensing program

The City Council or its designee shall review the short-term rental program described in this Article by the end of the initial three-year licensing period on the [REDACTED] of the third year following adoption of this Article. If the City Council does not renew the short-term rental licensing program by that date, the provisions of this Article shall expire such that no existing license shall be renewed, and no licenses shall be granted to applicants on the waiting list. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license.

Proposed Zoning Ordinance Short-Term Rental Regulations

Only allowed as a special land use in the following zoning districts. See [map](#) for specific locations.

- NMU: Neighborhood Mixed Use
- CMU: Corridor Mixed Use
- CBD: Central Business District
- NR-3: Neighborhood Residential 3
- NR-2 Overlay Zone

Standards for Special Land Uses – See Article 10 of Zoning Ordinance Draft for full regulations.

1. **Compatible with Adjacent Uses and Improvement to the Community.** The proposed use must be compatible with the adjacent uses and an improvement to the community. In determining whether this requirement has been met, consideration shall be given to location and screening of vehicular circulation and parking; location and screening or outdoor storage; hours of operation, bulk and placement of proposed structures in relation to surrounding uses, proposed landscaping and other site amenities.
2. **Consistent with Master Plan.** The proposed use must be consistent with the goals and vision of the Master Plan and any other strategic plans relevant to the area.
3. **Adequately Served by Essential Public Facilities.** The proposed use must be in a place that is served by essential public facilities and services. Is this Special Land Use located so as to be adequately served by essential public facilities, such as highways, streets, police, water and sewage, etc.?
4. **Impact on Pedestrian and Vehicle Traffic.** The proposed use must minimize the impact of the traffic generated by proposed use on surroundings uses. Does the location of the proposed Special Land Use within the zoning district minimize the impact of the traffic generated by the proposed use? Consider, proximity and access to major thoroughfares, estimated traffic generated by proposed use, proximity and relation to intersection, adequacy of driver sight distances, location of and access to off -street parking, required vehicular turning movements and provision for pedestrian traffic.
5. **Protect Health, Safety, and Welfare of Community from Nuisances.** The proposed use must not generate activities that are detrimental to the public health, safety, and welfare. Are there any detrimental effects or nuisances involved in the Special Land Use and how are these nuisances mitigated? Consider production of traffic, noise, vibration, smoke, fumes, odor, dust, glare, light, etc.
6. **Consistent with Zoning Ordinance and Intent of the Zoning District.** The use must be consistent and promote the intent and purpose of the Zoning Ordinance and the zoning district. Explain how this application for Special Land Use approval meets all specific criteria and design standards for the specific use outlined in the Zoning Ordinance.