

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 766– SHORT TERM RENTAL UNITS**

**AN ORDINANCE TO GOVERN SHORT TERM RENTAL UNITS AND INSPECTIONS,
TO PROVIDE SPECIFIC GUIDELINES FOR SAME AND ENACT SANCTIONS FOR
VIOLATIONS THEREIN**

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

Findings.

The City Council finds the rental of dwelling units in the City of Clawson provides value to our local economy but also brings with it potentially negative externalities affecting the year-round quality of neighborhoods, housing supply, health and safety. The City Council has enacted this regulatory ordinance of short-term rental units to strike a regulatory balance between the interests of community residents, business owners, property owners, and visitors.

Definitions. As used in this Ordinance:

Owner. The word "owner" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent, or employee. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

Contact Person. The term "contact person" includes individuals, firms, joint ventures, partnerships, corporations, estates, trusts, units of government, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent, or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Tenant; occupant. The words "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others for any period of time.

Short Term Rental. The words "short term rental" mean any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

Dwelling unit. The term “dwelling unit: means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping.

Sec. 34.354.

- (a) Generally. All dwelling units, except those which are duly registered as a principal residence exemption under Section 211.7cc of the General Property Tax Act, which are used for short-term rentals for more than 14 days per calendar year shall be registered and licensed with the city as stipulated in this Ordinance and by reference in Sec. 34.353 of the Clawson Code of Ordinances. Licenses are valid for one (1) year and must be renewed each December. When a short-term rental property is sold, the registration(s) and license(s) will expire at sale and are not transferable.
- (b) Fees. There shall be a fee for registration collected at the time of registration. An additional fee shall be collected at time of licensing. Council shall set a fee(s) from time to time by resolution; such fee(s) may vary depending on the type of property, dwelling, or other distinction Council may deem advisable.
- (c) Forms. Code Enforcement for the City of Clawson shall develop a form(s) to properly carry out this ordinance. The registration form shall collect not less than the following information and other items as the Enforcement Officer may deem necessary for implementation of this chapter:
 - 1. Name, address and telephone number of the property owner and/or local agent for the dwelling unit;
 - 2. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address;
 - 3. The number of bedrooms in each dwelling unit and in the dwelling as a whole;
 - 4. The number of days the dwelling unit is available for short term rental each calendar year;
 - 5. A statement indicating which year the dwelling unit was first used as a short-term rental, and for how many days it was rented in the previous calendar year; and
- (d) Regulations. All dwelling units used for short-term rentals shall be bound by the following regulations:

1. Each rental shall have a designated contact person. A notice shall be posted in a prominent location within any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the contact person and, a 24-hour telephone number at which they can be reached.
 2. The dwelling unit must meet all applicable Residential Building, Health Department, Nuisance and Safety Codes as necessary to protect the safety of occupants.
 3. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 p.m. to 7:00 a.m.
 4. Fireworks of any kind are not allowed on rental property, except in accordance with the city's fireworks ordinance.
- (e) Maximum occupancy. Short-term rentals shall be permitted maximum occupancy of two persons per bedroom but at no time shall that number exceed the limitations set forth by the Michigan Building Code and the International Property Maintenance Code. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless it is between the hours of 8:00 a.m. and 10:00 p.m., and circumstances clearly indicate the individual will not stay overnight. No dwelling unit used as a short-term rental may be built or modified hereafter to exceed to limitation of ten persons as described above.
- (f) Revocation procedure. Where Code Enforcement for the City of Clawson believes that a violation of this ordinance has or is taking place, they may initiate a License Revocation procedure as follows:
1. The written notice of the charges and the notice of the hearing shall be served on the owner or contact person first class mail not less than 14 days before the hearing before the Enforcement Officer.
 2. Upon a finding by the Enforcement Officer of a first or second violation within any 12-month period, the short-term rental shall be subject to a fine as provided by resolution from time to time.
 3. Upon a finding by the Enforcement Officer of a third violation within any 12-month period, the short-term rental registration may be revoked and the owner or contact person who had been issued the short-term rental registration shall not again be issued a short-term rental license for a period of 12 months and during said time the premises shall not be utilized for a short-term rental.
 4. Upon a finding by the Enforcement Officer of a fourth violation within any 24-month period, the short-term rental registration and license may be revoked and the owner who had been issued the short-term rental registration and license shall not again be issued a short-term rental registration or license under that ownership name and the premises shall not be utilized for a short-term rental.

5. A minimum of a 14 day notice will be given to owners and agents for any suspensions. Appeal from denial or suspension or revocation of a short-term rental registration is allowed.
 6. *Appeal procedure.* Upon a determination by the Enforcement Officer that the registration of a dwelling unit is subject to revocation pursuant to this ordinance, the Enforcement Officer shall issue a notice to the owner and contact person stating that the city intends to revoke the rental registration.
 7. The informal hearing shall be held before the building official of the City and the owner and contact person may present evidence that the requirements for revocation are not satisfied, or that the property owner and contact person should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances that the owner or the owner's agent could not reasonably anticipate and prevent and could not reasonably control.
 8. The hearing officer shall independently determine whether there is competent, material, and substantial evidence establishing a violation of this ordinance and/or whether there is competent, material, and substantial evidence establishing that extenuating circumstances exist by a preponderance of the evidence standard.
- (g) Violation. The violation of any aspect of this ordinance shall be deemed responsible for a municipal civil infraction and fined no more than \$500.00 per occurrence.
- (h) Repealer. This Ordinance hereby repeals any ordinances in conflict herewith.
- (i) Savings Clause. That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.
- (j) Severability. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

This ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 6th day of December, 2022 and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)

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COUNTY OF OAKLAND)

I, August Gitschlag, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on the 6th day of December 2022 at 7:30 p.m., further this Ordinance was duly published in the December 9th, 2022 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

Paula Millan, Mayor

August Gitschlag, City Clerk

Date: _____

Dated: _____