

**ORDINANCE NO. 2021 - 02**

AN ORDINANCE TO AMEND THE HOUSING ORDINANCE CHAPTER 11 AND ADD THE FOLLOWING: THIS ORDINANCE SHALL BE KNOWN AS "THE SHORT TERM RENTAL ORDINANCE."

THE CITY OF HARPER WOODS ORDAINS:

**Section 1: Purpose**

The City of Harper Woods finds and declares as follows:

- A. The City wishes to preserve and retain the residential community character of the City.
- B. It is the intent of the City of Harper Woods' Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- C. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- D. The City has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short Term Rental properties.
- E. The transitory nature of occupants of Short Term Rentals makes continued enforcement against the occupants difficult.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon City services and impacts on residential neighborhoods posed by Short Term Rental homes.

**Section 2: Applicability**

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the City, including the Zoning Ordinance of the City of Harper Woods in addition to any state or Federal laws. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by

deeds, restrictive covenants, association rules, regulations or bylaws, or rental agreements.

### **Section 3: Definitions**

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

**Bedroom.** A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces that may be included in a dwelling unit, do not qualify as bedrooms: (1) kitchens, (2) dining areas, (3) gathering spaces such as, but not limited to, family rooms, dens, great rooms, living rooms, closets, garage, porches and (4) attics or basements without egress meeting standards in applicable building, residential and fire codes.

**Building Official.** The official or designee authorized by the City of Harper Woods to administer and enforce the housing, building, electrical, mechanical, plumbing and all other applicable state laws, codes and local ordinances.

**Compensation.** Money or other consideration given in return for occupancy, possession or use of a property.

**Dwelling Unit.** A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes.

**Local contact person.** A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance. The local contact person must live or maintain a physical place of business within 45 minutes travel time of the property (or portion thereof) used for a Short Term Rental. A property owner who meets these criteria may be the local contact person. (Cross reference with Sec 5(K)(2) contact person available 24 hours during rental period).

**Managing agency or agent.** A person, firm, or agency representing the owner of the property (or portion thereof) used for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short Term Rental. A managing agency or agent may act as the local contact person and must live or maintain a physical place of business within 45 minutes travel time of the property (or portion thereof) used for a Short Term Rental. (Cross reference with Sec 5(K)(2) contact person available 24 hours during rental period).

**Mixed use property.** A lot or parcel located with an area of the City where both multi-family residential and commercial development is permitted.

Occupant. An individual at least 24 months of age living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short term rental shall be presumed to be an occupant unless circumstances clearly indicate the individual is visiting. (Cross reference with Sec 5(H) where 10 persons maximum number, children under 24 months do not count toward the maximum number.)

Operator. The person who is proprietor of a property (or portion thereof) used for a Short Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short Term Rental.

Parking space. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short Term Rental. The commercial use of renting a dwelling unit or rooming unit in exchange for compensation or other consideration as residential accommodations for a period of at least one night but not more than ninety (90) consecutive calendar days.

Denials and appeals. Where an applicant is denied registration or where it is determined a registration should be removed and permit revoked, the applicant may request a hearing.

#### **Section 4: Registration Required.**

A. Registration required. All dwelling units on residential or mixed-use property used for short term rentals shall be registered with the city. The short-term rental of an unregistered dwelling unit is prohibited.

B. Application. To register a dwelling unit used for short-term rentals, the owner, local contact person, operator or managing agent of owner shall:

(1) Provide and verify as true the following on a form provided by the City:

(a) Name, address, telephone number and driver's license number of the owner of the dwelling unit; copy of driver's license or other state recognized identification shall be provided.

- (b) Name, address, telephone number, e-mail, and driver's license number or other state recognized identification of the local contact person for the dwelling unit. (Copy of Driver's license or other recognized state identification shall be provided) (Cross reference with Section 5(K)(2).
  - (c) Proof of ownership of the dwelling unit (i.e. tax bill, deed); a copy of such proof will be provided with the application.
  - (d) Proof of insurance shall be provided with the application.
  - (e) Number of dwelling units in the building, if more than one;
  - (f) The number of bedrooms in each dwelling unit;
  - (g) The number of off-street parking spaces provided for the dwelling unit;
  - (h) The proposed maximum number of occupants in which the applicant intends to rent the dwelling unit in any given rental period;
  - (i) The length of the typical period for which the applicant intends to rent the property;
  - (j) A statement certifying the each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and the owner or local contact person will check those devices at least every 90 days;
  - (k) A statement certifying that the property owner consents to inspection by the City and will make the dwelling unit available for inspections upon request by the City; further that the property owner pursuant to any short-term rental agreement has advised any short-term renters that the City upon request may enter and inspect the dwelling unit without consent by the short-term renters.
  - (l) Any other information that the City deems appropriate.
- (2) Pay a nonrefundable administrative fee, as set by resolution of the City Council. Any owner of a dwelling unit, local contact person or other agent of that owner who rents a dwelling unit on a short term rental after October 1, 2021, without having registered it pursuant to this ordinance shall pay an increased fee in the amount set by resolution of City Council.
- (3) A short term rental registration and certificate shall terminate upon transfer or conveyance of the property.
- (4) Registration for short term rental is valid beginning January 1 of each year, expiring December 31. A short term rental registration and certificate expires on December 31 and a new application must be submitted.

## **Section 5. Short Term Rental Standards**

All Short Term Rentals must meet the following standards:

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit. The use of recreational vehicle(s), camper(s), tent(s) or other temporary, non-permanent facilities is prohibited.

- B. A separate permit is required for each Short Term Rental property.
- C. The City of Harper Woods will limit the number of Short Term Rental Permits to one hundred-fifty (150) per calendar year. There are no restrictions on the number of units operated by a single individual or entity.
- D. Residency requirement. Any property used as a short term rental must be the owner's principal residence.
- E. Registration required. Any short term rental must be registered with the Harper Woods' Building Department.
- F. Spacing between short term rentals. A short term rental will not be registered if located within 1,000 feet (measured linearly) of another short term rental; the Building Department has limited discretion to relax the 1,000-foot spacing.
- G. Limitation on groups. A host may not rent to more than one group of guests under more than one reservation at any given time.
- H. Limitation on number. Not more than ten (10) people may be accommodated at one time. The number of persons permitted in any dwelling unit is determined by the configuration and number of bedrooms in a dwelling unit which may allow for less than 10 persons. In no circumstance may any dwelling unit accommodate more than 10 people during a single rental term.
- I. Limitation on rentals per year. A short term rental unit may not be rented more than 150 days per calendar year.
- J. Certificate. The short term rental must post its certificate of registration in a conspicuous place on the property and provide it in electronic format to all guests.
- K. Local Contact Person:
- (1) Each owner of a Short Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
  - (2) The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
  - (3) An owner meeting the requirements of subsections (1) and (2) above may designate themselves as the local contact person.

L. Short Term Rental units as described in this Ordinance are only permitted in Residential Zoning Districts and this ordinance only applies to Residential Zoning Districts.

M. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other permitted and improved area.

N. Special events, outdoor events, lawn parties, weddings, showers, graduation parties or similar activities are not allowed on the site for more than the number of permitted occupants.

O. Any pets are subject to all laws and ordinances while within the City of Harper Woods.

P. Fireworks of any kind are not allowed on rental property except in accordance with the laws of the State of Michigan and the City of Harper Woods.

Q. Provisions for proper trash disposal must be provided to short term rental units. The Litter Ordinance, Chapter 13 and the Garbage and Trash Ordinance, Chapter 9 shall apply.

R. Noise during the hours of 11:00pm to 7:00am must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities and in compliance with the City of Harper Woods' Noise Ordinance No. Chapter 15 which shall apply to short term rental units.

S. The owner shall require these standards be met by renters as part of all rental agreements.

## **Section 6: Owner Responsibilities**

A. The owner must insure all ordinances, statutes, regulations and standards are met and followed.

B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself/herself in harm's way.

## **Section 7: Short Term Rental Permit**

- A. Any dwelling rented for a total of two (2) or fewer weeks during a calendar year does not require a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short Term rental property.
- C. The following application elements are required prior to receipt of a Short Term Rental Permit or permit renewal.
  - (1) A fully completed and signed Short Term Rental Permit Application form provided by the city including all the required supplemental documents.
  - (2) A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
  - (3) A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
- D. A Short Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If current owner has not violated the Ordinance, renewal for next year will be granted if reapplication is applied for as provided for in the Short Term Rental Application Policy. (See also Section 4(B)(3) and (B)(4)).

## **Section 8: Violation and Penalties**

- A. Violations as municipal civil infractions. Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision in the Harper Woods' Code of Ordinances, violation of this article are subject to the following:
  - (1) Short term rental of unregistered dwellings. The fine for operating or leasing an unregistered swelling unit in violation of Section 4 of this ordinance is \$500 for the first violation and \$750 for each subsequent violation;
  - (2) Maximum occupancy The fine for exceeding the maximum occupancy in violation of subsection 5H is \$500 for the first offense and \$750 for each subsequent offense.
  - (3) Other violations. Fines for other violations of this ordinance are as follows: \$100 for first offense, \$500 for second offense and \$1000 for each subsequent offense or a designated by applicable statue or ordinance.
  - (4) A short term rental unit owner, operator, local contact person, or other

agent will not be issued another registration, be able to renew a registration, or be permitted to apply for a new registration if there are outstanding fines owed for violations on any properties.

(5) The owner, operator, local contact person, or other agent is responsible for payment of all fines and costs that may be assessed for a violation under this ordinance regardless of any conflicting provision in a rental agreement holding the occupant responsible.

B. Revocation of registration. In addition to fines that may be assessed, the City may revoke the rental registration for the following:

(1) Where the rental unit has at 3 separate incident (that may occur on 3 separate days) within a calendar year resulting in a plea of responsible, a guilty plea, a plea of no contest or a court's determination of responsible or guilt by the owner, local contact person, or any renter for a violation of one or more of the following, including but not limited to:

- a) Any provision of this ordinance;
- b) Noise ordinance, Chapter 15;
- c) Public Nuisance, Chapter 16;
- d) Litter, Chapter 13;
- e) Garbage and Trash, Chapter 9
- f) Grass, Noxious Weed and Vegetation, Chapter 16, Sec 16-42
- g) Sanitation, generally, Chapter 10, Section 10-17
- h) Any false or misleading information supplied in the application process.
- i) Any violation of federal, state or local law including any violation of the local zoning ordinance or any permit or approval issued pursuant to the zoning ordinance.

(2) Revocation Procedure. Upon a determination by either the Building Department, City Manager or their designee that the registration of a dwelling unit is subject to revocation, the Building Department shall issue an notice to the property owner, local contract person or other designated agent stating that the registration is to be revoked. The notice shall inform the owner, local contact person or other designated agent of a right to a hearing in the to show cause why the registration should not be revoked. The owner, local contact person or other agent designated by the owner, must schedule a hearing within 14 days from receiving the notice. Notice is considered proper when sent by regular mail to the address contained in the registration application of the owner, local contact person or other agent designated by the owner to receive such notice. If the request for hearing is timely, the hearing shall be scheduled before the city manager or his/her designee.

- (3) The request for a hearing must be made in writing and sent to the city clerk.
- (4) At the hearing the parties may present evidence regarding the revocation.
- (5) If a determination is made to revoke the registration, a dwelling unit cannot be re-registered for a period of 1 year from the date of the determination and cannot be used for short terms rentals until re-registered.
- (6) Nothing in this Ordinance limits the City pursuing any other remedies permitted by any local ordinance, rule, regulation, state or federal law.

### **Section 9. Severability.**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **Section 10. Effective Date: \_\_\_\_\_, 2021**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the City of Harper Woods.

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Valerie Kindle, Mayor

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Leslie M. Frank, City Clerk

INTRODUCTION AND FIRST READING: July 12, 2021  
SECOND READING AND ADOPTION: November 1, 2021  
PUBLISHED: November 11, 2021  
EFFECTIVE DATE: December 11, 2021

### CERTIFICATION

I, Leslie M. Frank, City Clerk of the City of Harper Woods, Wayne County, State of Michigan, do hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City of Harper Woods City Council at their regular Council meeting on November 1, 2021.

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Leslie M. Frank, City Clerk  
City of Harper Woods