

City of South Haven
Proposed Rental Dwelling Registration Ordinance
Executive Summary

Article XI. Rental Dwelling Registration.

- Sec. 10-255. Purpose and Intent – This section sets forth the community’s reasons for having the regulation and what it should do for the city.
- Sec. 10-256. Definitions and Rules – This section sets forth the definition of certain terms used with the proposed ordinance required for clarity, and states certain basic rules.
- Sec. 10-257. Registration of rental dwellings – This section sets forth the registration process and what is required with the application.
- (a) *Application / fee*: - Rental units shall register on an application form provided by the City and establishes the fee.
 - (b) *Annual registration*: - Requires that every rental unit register every year.
 - (c) *Registration of new rental dwellings*: - Requires registration of newly established rental units.
 - (d) *Change in registration information*: - Requires that information provided with the registration be kept up to date and current.
 - (e) *New ownership of registered rental dwelling*: - Requires that the buyer of a rental unit must re-register that rental unit.
 - (f) *Registration of rental dwellings*: - Lists the information to be provided with application.
 - (1) *Address*
 - (2) *Number of units*
 - (3) *Information on Owner*
 - (4) *Official notification address & phone*
 - (5) *Short term rental dwelling information requirements*:
 - (i) *Affidavit by owner that the short term rental dwelling complies with section 10-260*
 - (ii) *Diagram of rental dwelling with exists indicated*
 - (iii) *Number and location of off-street parking spaces provided*
 - (iv) *Maximum occupants assigned by owner*
 - (g) *Designation of local agent*: - Requires that a local contact be established if the owner of the rental unit lives further than 60 miles from the City of South Haven.
 - (h) *More than one owner or ownership by entity*: - Specifies what needs to be done when there are multiple owners involved on one rental unit.
- Sec. 10-258. Violations – This section sets forth the violations.
- (a) *Municipal civil infraction*: - States that violations of this article are tied to section 1-16 of the code of ordinances.
 - (b) *Additional penalty*: - Clarifies that all other penalties for violations are also applicable to the property such as police actions that may be required on the property to maintain order etc.
 - (c) *Inaccurate or incomplete registration information*: - States that providing inaccurate or incomplete information on registration applications is a violation.
 - (d) *Rental without registration*: - States that it is a violation of this article to rent a dwelling without registering it first.
 - (e) *False affidavit*: - States that filling a false affidavit is a violation.
- Sec. 10-259. Required record keeping – This section sets forth the records that are required to be maintained by the owner and made available to city on an as needed basis.
- (a) *Occupant information*: - Name, address and contact information.
 - (b) *Record maintenance*: - Records must be maintained for two years.
- Sec. 10-260. Short term rental dwelling requirements – This section sets forth specific requirements for short term rental dwellings.
- (a) *Display of registration*: - States that the registration certificate must be displayed inside with contact information and emergency services contact information.
 - (b) *Display of placard*: - An interior placard is required with valuable information for renter.
 - (c) *Rental dwelling quality assurance*: - States that smoke and carbon monoxide detectors must be present and operable as well as all other systems, equipment and furniture in the rental dwelling.
 - (d) *Rental dwelling operational assurance*: - States that short term rental dwelling operators shall provide rental occupants with City information on noise, parking and garbage pickup regulations.

**CITY COUNCIL
CITY OF SOUTH HAVEN
Van Buren County, Michigan**

Council member _____, supported by Council member _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF SOUTH HAVEN, MICHIGAN BY ADDING ARTICLE XI TO PROVIDE FOR THE REGISTRATION OF RENTAL PROPERTIES

The City of South Haven Ordains:

Section 1. Amendment. The Code of Ordinances of the City of South Haven, Michigan is amended by adding Article XI, to read as follows:

Article XI. Rental Dwelling Registration

Sec. 10-255. Purpose and intent.

- (a) Purpose: Maintain the health and vitality of the City's residential neighborhoods by improving the rental dwelling occupant's relationship with residents through the provision of information, guidance, and minimal safety criteria for the operation of said rentals.
- (b) Intent: The intent of this article is:
 - (1) To determine where rental dwellings are located within the City.
 - (2) To obtain a local agent's contact information to facilitate communication.
 - (3) To require certain safety measures for short term rental dwellings.
 - (4) To inform short term rental dwelling occupants of basic City regulations on noise, parking, and garbage pickup.

Sec. 10-256. Definitions and Rules.

- (a) The following definitions shall apply in the context of this article:
 - (1) *Code enforcement official* means the official appointed by the city manager charged with the administration and enforcement of this article, or his or her duly authorized representative.
 - (2) *Local agent* means an individual, fiduciary, partnership, association, corporation or other entity, residing or located within 60 miles of the city, who represents the owner of a rental dwelling during periods of occupation by a tenant(s) or an occupant(s) for purposes of this article.
 - (3) *Occupant* means any person, other than an owner or family relations, occupying all or part of a rental dwelling for a fee or other type of compensation.
 - (4) *Owner* means an individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.
 - (5) *Rental dwelling* or *rental property* means any residential dwelling which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the dwelling. This shall include one-family, two-family and multiple family dwellings, short term rentals, boarding or rooming houses. It does not include hotels, motels, bed-and-breakfasts or dwellings that are occupied only by members of the owner's immediate family.

(6) *Short term rental* means any residential dwelling providing transient accommodations for periods of less than one month, more than three times per year.

(7) *Multiple dwelling* means three or more dwelling units in a single structure.

(b) The following rules shall apply in the context of this article:

(1) Each and every individual residential rental dwelling as defined herein shall be registered with the City of South Haven prior to said rental dwelling being occupied as a rental on or after _____(date)_____.

(2) The City hereby assigns the Code Enforcement Official with the responsibility of administering this article.

(3) All provisions of this article referencing "owner" shall be deemed to include the "local agent" if said agent is required pursuant to this article.

Sec. 10-257. Registration of rental dwellings.

(a) *Application / fee:* All owners of rental dwellings shall register the rental property with the city on an application in a form provided by the city. At the time an application is filed, a registration fee in an amount established from time to time by resolution of the city council shall be paid in full.

(b) *Annual registration:* The annual registration date shall be January 1 of each year.

(c) *Registration of new rental dwellings:* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy. If indicated in the resolution establishing the registration fee, the fee may be prorated for a registration of less than one year. Otherwise the established fee shall be due.

(d) *Change in registration information:* The owner of a rental dwelling(s) already registered with the city shall re-register within 60 days after any change occurs in registration information. At the time an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the city council shall be paid in full.

(e) *New ownership of registered rental dwelling:* A new owner of a registered rental dwelling shall re-register the dwelling within 60 days of assuming ownership. At the time an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the city council shall be paid in full.

(f) *Registration of rental dwellings:* Application for registration or re-registration shall be made in accordance with such instructions as may be provided with the registration application which shall include:

(1) The address of the rental dwelling.

(2) The number of rental dwelling units.

(3) The name, residence address, business address, business phone number, and personal phone number of the owner and local agent, if applicable.

(4) The address where owner or local agent will accept notices or orders from the city.

(5) The following information is required of all short term rental dwellings:

(i) An owner's (must be owner's signature) signed affidavit which states that the subject rental dwelling shall be in compliance with section 10-260 "Short term rental dwelling requirements".

(ii) A diagram or sketch of the floor plan of the rental dwelling sufficiently detailed to identify an emergency exit route from the premises in the case of a multiple dwelling type of structure.

(iii) A diagram or sketch of the rental property sufficiently detailed to identify the location and number of off-street parking spaces.

(iv) The maximum number of occupants assigned by the owner for the rental dwelling.

(g) *Designation of local agent:* If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the city, during periods of occupation by a tenant(s) or an occupant(s), the owner shall designate a responsible local agent who shall be responsible for operating such rental dwelling. All official notices may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(h) *More than one owner or ownership by entity:* Where more than one person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), executor, trustee(s), or other chief executive officer(s) of the organization.

Sec. 10-258. Violations.

(a) *Municipal civil infraction:* A violation of this article shall be a municipal civil infraction. Any person, including without limitation an owner, local agent, tenant or occupant, who is found responsible for a violation of this article shall be subject to the fines and penalties provided in section 1-16 of this code of ordinances.

(b) *Additional penalty:* In addition to the penalties provided in subsection (a) above, any owner, local agent, tenant or occupant may be cited for other acts or omissions that violate this code of ordinances or state law.

(c) *Inaccurate or incomplete registration information:* It shall be a violation of this article for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(d) *Rental without registration:* It shall be a violation of this article for an owner to rent a dwelling to an occupant prior to registration of that rental dwelling with the City.

(e) *False affidavit:* The filling of a false affidavit pursuant to section 10-257 (a)(5) is a violation of this article and shall be subject to immediate fines pursuant to section 10-258 (a) above.

Sec. 10-259. Record keeping.

(a) *Occupant information:* For all rentals, the owner shall obtain and maintain for the purpose of city inspection and copying the name, address, and other contact information of each occupant.

(b) *Record maintenance:* The owner shall maintain such documents and any other records required under this article for at least two years. An owner or local agent shall convey such documents to any successor owner or local agent.

Sec. 10-260. Short term rental dwelling requirements.

(a) *Display of registration:* Each short term rental dwelling shall prominently display a full size copy of a registration certificate issued by the City inside the rental dwelling which shall include the local agent's contact information, emergency services contact information, address of the rental dwelling, the maximum occupancy of the rental dwelling assigned by the owner, and the phone number and address of the City offices where complaints about the rental dwelling can be directed.

(b) *Display of placard:* Each short term rental dwelling shall prominently display a placard inside the rental dwelling which shall indicate the number and location of designated parking

places assigned to the rental dwelling, and the emergency exit route from the premises in the case of a multiple dwelling type of structure.

(c) *Rental dwelling quality assurance:* Each short term rental dwelling shall have an operating smoke detector in each sleeping room, an operating carbon monoxide detector on each floor where sleeping rooms are present, an operating fire extinguisher mounted in the kitchen, screens on all operable windows, fully functioning electrical / plumbing / mechanical systems appropriate for the rental dwelling, and stairways / railings / electronic devices / furnishings that are in a safe and working condition.

(d) *Rental dwelling operational assurance:* Each short term rental dwelling owner shall provide to the occupants of the rental dwelling a copy of the City's noise, parking, and garbage pickup regulations as supplied by the City at time of registration.

Sec. 10-261. Conflicts.

In the event that the provisions of this article conflict with any other provision within this code of ordinances, the provision that is more restrictive shall apply.

Section 2. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 15 days of the date of its adoption. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs first.

YEAS: Council member(s) _____

NAYS: Council member(s) _____

ABSTAIN: Council member(s) _____

ABSENT: Council member(s) _____

CERTIFICATION

As the City Clerk of the City of South Haven, Van Buren County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the South Haven City Council at a regular meeting held on _____, 2008.

Date: _____, 2008

Amanda Sleight, City Clerk

Introduced: _____, 2008

Adopted: _____, 2008

Published: _____, 2008

Effective: _____, 2008