

**CITY OF ST. JOSEPH
BERRIEN COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND SECTIONS 8-97 THROUGH 8-103 AND TO ADD
SECTIONS 8-104 AND 8-106 TO CHAPTER 8, ARTICLE VI OF THE CODE OF
ORDINANCES OF THE CITY OF ST. JOSEPH, MICHIGAN**

THE CITY OF ST. JOSEPH ORDAINS:

Sections 8-97 through 8-103 of Chapter 8, Article VI of the Code of Ordinances, St. Joseph, Michigan are amended and Sections 8-104 through 8-106 are added to that chapter and article to read as follows:

Sec. 8-97. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affidavit of completion shall mean the properly completed statement affirming that all code deficiencies or violations identified on a provisional rental occupancy certificate have been corrected in compliance with the housing and property maintenance code, that statement to be on a form to be provided by the city.

Agent shall mean the property manager or other individual or entity representing the owner of a rental unit.

City shall mean the department, officer or individual designated by the city manager or city commission to administer all or any part of the registration and inspection programs under this article.

Housing and property maintenance code shall mean the International Property Maintenance Code as adopted by the city commission.

Immediate family shall mean spouses, children, stepchildren, brothers and sisters, half brothers and half sisters, parents and stepparents.

Local agent shall mean that person who is designated by the owner of a short-term rental unit who must live within the cities of Benton Harbor, Coloma, or St. Joseph, the townships of Benton, St. Joseph, Lincoln, Hagar, Royalton, Coloma, or Sodus, or the villages of Shoreham or Stevensville.

Maximum occupancy load shall mean the maximum number of tenants permitted to reside in a rental unit as determined by the city building inspector or zoning administrator pursuant to applicable building, construction and property maintenance codes, the city zoning ordinance, and this article.

Owner shall mean the individual or entity who is the legal or equitable titleholder and/or who controls the premises occupied by one or more rental units.

Permit shall mean rental unit permit or provisional rental unit permit.

Provisional rental unit permit shall mean a written statement issued by the city indicating that the rental unit identified thereon is substantially but not entirely in compliance with the housing and property maintenance code. The provisional rental unit permit shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional rental unit permit shall expire if those deficiencies or violations are not corrected.

Rental unit shall mean 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 persons are not acquiring an ownership interest in the dwelling. This shall include single-family, two-family and multiple family dwellings, short-term rentals and rooming or boarding houses. "Rental unit" shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts, and shall not include dwellings that are occupied only by members of the owner's immediate family.

Rental unit permit shall mean a written document issued by the city indicating that the rental unit identified thereon is then in compliance with the housing and property maintenance code. A rental unit permit shall be valid for two years from the date of the inspection that found the rental unit in compliance, absent new or later-detected violations of the housing and property maintenance code, this article or other applicable laws, rules or regulations, or a revocation or suspension of the permit pursuant to this article within that time, and the expiration date shall be shown on the certificate.

Short-term rental shall mean the rental of any rental unit for a term of less than two months, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult-foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units.

Tenant shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit.

Sec. 8-98. Registration.

(a) The owner of a rental unit shall register it with the city within 10 days after the date of acquiring ownership or control of a previously registered rental unit, or in the case of a newly constructed or converted rental unit, before that rental unit is occupied.

(b) To register a rental unit, the owner shall:

(1) Truthfully provide and certify as true the following information on a form provided by the city:

(A) Name, address, and telephone numbers of the owner and any agent for the owner.

(B) The street address of the rental unit, along with other identification if more than one (1) rental unit has the same street address.

(C) The number of rental units in the building, if more than one (1).

(D) The number of bedrooms in each rental unit, and the intended number of occupants in each rental unit.

(E) Such other information as the city requests.

(2) Pay an administrative fee, as set by resolution of the city commission.

(3) For rental units which the owner wishes to use for short-term rentals, the following items must accompany the completed form:

(A) A scaled floor plan.

(B) A copy of the lease form containing the required disclosures including, but not limited to, the maximum occupancy load, off-street parking requirements, the number of bathrooms required by this article, the local land line telephone number of the unit, noise regulations and other ordinance requirements.

(C) A statement in the application form detailing:

(i) The term of the rental (daily, weekend, weekly, etc.).

(ii) The name, address, telephone number(s) (local and cell phone), electronic mail address and other contact information of the designated local rental agent, and written authorization for that agent to act on the owner's behalf, including without limitation acceptance of service of legal papers on the owner's behalf, and the agent's written acceptance of that agency.

(iii) The maximum occupancy load.

(4) Proof that the homestead exemption is legally appropriate or is not being claimed.

(c) An owner shall notify the city in writing within 30 days of any change in the information provided on the registration form. An owner of a short-term rental unit shall notify the city in writing within 10 days of any change in the designated local agent.

(d) An owner shall notify the city in writing within 30 days if any of the items inspected pursuant to this article are altered after inspection by the city.

Sec. 8-99. Rental unit requirements.

(a) No rental unit may be occupied unless the city has issued a valid rental unit permit pursuant to this article.

(b) Permit contents and requirements.

(1) A rental unit permit shall state whether it permits short-term rentals. A short-term rental unit permit shall be granted only when all of the requirements in this article for short-term rental units and applications for a short-term rental unit permit are met.

(2) Each rental unit permit shall indicate the maximum occupancy load. No owner, local agent, or tenant shall allow a rental unit to be occupied by more tenants than the number stated on the permit. The maximum occupancy load shall be stated in the lease and other rental documents.

(3) No rental unit permit shall be valid until the appropriate fee is paid, in the amounts as established from time to time by resolution of the city commission.

(4) No permit shall be issued to any owner unless that owner is current on the payment of all real property taxes, utility rates, fees, charges, special assessments and other amounts due the city. Delinquencies on any such payments to the city, regardless of whether they relate to the rental unit for which a rental unit permit is sought shall result in denial of the permit.

(c) Upon request by any tenant or prospective tenant, the owner or agent shall provide the tenant or prospective tenant with a copy of the rental unit permit, as well as a copy of the lease containing the required disclosures.

(d) A valid permit may be transferred to a new owner of a rental unit upon the city's prior written consent once the new owner files an application meeting all the requirements of this article.

(e) A provisional rental unit permit shall expire and the continued occupancy of the rental unit shall be unlawful if the owner or agent has not properly corrected the deficiencies and violations noted on that permit and thereafter properly completed and returned an affidavit of completion to the city within the time allotted on that permit. If the affidavit of completion is returned to the city within the allotted time, and absent any other intervening deficiencies or violations, the city shall then issue a rental unit permit for that rental unit.

(f) Compliance with applicable zoning, construction, building and property maintenance codes shall be a condition of all rental unit permits. Violations of any of those codes shall also be a violation of this article.

(g) If an owner or occupant of a rental unit is found to be in violation of this article three or more times, the zoning administrator may, after notice and opportunity for a hearing in accordance with section 8-103 of this article, either suspend the rental unit permit for a period of six months or revoke the rental unit permit for that unit and any other units owned by that owner and the owner shall lose the right to rent the property.

Sec. 8-100. Inspections.

(a) Before issuing a rental unit permit or a provisional rental unit permit, the city shall inspect the rental unit in order to determine whether it is in compliance with the housing and property maintenance code, the fire code, this ordinance, and other applicable laws and regulations.

(b) Upon written notice from the city, it shall be the owner's responsibility to schedule and allow the city's inspection of the rental unit. When an inspection is required for the renewal of an existing permit, the owner shall schedule and permit that inspection no later than thirty (30) days before the expiration of that permit. Inspections shall occur during the city's regular business hours, unless the city agrees to other arrangements, and all fees shall be paid prior to the inspection.

(c) If an inspection reveals that the rental unit is not in compliance with the housing and property maintenance code, the owner shall be provided a written list of deficiencies or violations that must be corrected before a permit is issued. If the city determines that the deficiencies or violations do not render the rental unit uninhabitable, the city may issue a provisional rental occupancy permit for that rental unit.

(d) The city may conduct additional inspections as it deems necessary, upon reasonable notice to the owner or agent, such as when (i) a provisional permit has been issued, (ii) when a complaint is filed with the city, or (iii) the city otherwise has reasonable cause to believe a rental unit is in violation of any city code.

(e) For short term rental units, between each short-term rental to a different tenant, the local rental agent shall inspect the premises using a city-designated checklist to ensure that all smoke detectors, lights, doors, locks, windows, screens, plumbing, appliances, heating, ventilation and air conditioning units, railings, ceiling fans, telephones, televisions and other electronic devices, and furnishings are in a safe and working condition. Upon inspection, the agent shall sign and date that checklist and shall maintain it for city inspection and copying for a period of at least 2 years.

(f) If the city becomes aware of code or other deficiencies or violations subsequent to the issuance of a permit, the city may issue a new provisional rental occupancy permit addressing the deficiencies or violations, or revoke the current permit, or both, and may also take any other action allowed by law.

Sec. 8-101. Recordkeeping.

(a) For all short term rentals, the local agent shall obtain and maintain for the purpose of city inspection and copying the name, address, and other contact information of each occupant as well as the document signed by each tenant acknowledging the maximum occupancy load of the rental unit.

(b) Each tenant shall sign a document acknowledging the occupancy limit and applicable city regulations which document shall be maintained by the local agent for inspection and copying by the city.

(c) The local agent shall maintain such documents and any other records required under this ordinance for at least 2 years. A local agent or owner shall convey such documents to any successor local agent.

Sec. 8-102. Short-term rental requirements.

(a) If the owner of a short-term rental unit does not qualify as a local agent, the owner shall designate a local agent and authorize the agent in writing to act as the owner's agent for any acts required of the owner or the owner's agent under this article.

(b) Each rental unit, when rented as a short-term rental, shall have a land-line telephone with free local calls, which will appear at the 911 dispatch center. The owner of each rental unit, when rented as a short-term rental, must prominently display in the unit a notice indicating the unit's street address, municipality, and other such descriptive information which, if relayed to the 911 dispatch center, would allow emergency responders to quickly locate and enter the rental unit, and further recommending that tenants who use communication devices that may be used to summon aid in an emergency register those devices to the rental unit's location if appropriate.

(c) Each short-term rental unit must have a minimum of one off-street parking space for each occupant's vehicle in addition to any other spaces required under applicable laws, rules and regulations for any other uses in the building or on the premises.

(d) The owner of each short-term rental unit must, when the rental unit is rented as a short-term rental, prominently display a full-size copy of the rental unit permit or current provisional rental unit permit in each rental unit.

(e) The owner of each unit shall not advertise an occupancy load that is greater than the maximum occupancy load limit.

Sec. 8-103. Right of appeal.

All administrative actions taken by the city may be appealed in the manner provided by the housing and property maintenance code.

Sec. 8-104. Smoke detectors/alarms.

(a) It shall be the responsibility of the owner of each rental unit to install smoke detectors/alarms in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.

- (b) Smoke detectors/alarms shall be installed in the following locations:
 - (1) In each sleeping room.
 - (2) Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
 - (3) On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- (c) After every change of occupancy of a rental unit, the owner shall certify in writing to the new tenant(s), at or before the time each new tenant occupies the rental unit, that all smoke detectors/alarms required by this section are installed, the location of each and that each smoke detector/alarm is in proper working condition.
- (d) No person shall tamper or interfere with the effectiveness of a smoke detector required by this section.

Sec. 8-105. Penalties and remedies.

- (a) Persons violating any provision of this article, including any owner or occupant of a rental unit, shall be responsible for a municipal civil infraction punishable as provided in this article and Section 1-11 of the Code of Ordinances. A court may order compliance with this article and as provided by law with respect to its authority for municipal civil infractions.
- (b) For all rental units, the following shall apply:
 - (1) Upon a determination that the owner has three or more violations of this ordinance, the zoning administrator shall issue a notice of rental permit suspension or revocation, and this notice shall notify the owner that the owner can request a hearing to show cause why the permit should not be suspended or revoked. If, within 7 days of service of the notice, the owner requests hearing in writing, the zoning administrator shall schedule a hearing as provided in section 8-103 of this article and notify the owner in writing of a time and place for that hearing. At that time and place the owner shall have the opportunity to show cause why the city should not suspend or revoke the permit.
 - (2) Fines for violation of provisions applicable to short-term rental units shall be \$100 per occurrence for the first offense, \$500 for a second offense even if it occurs at the same time as the first offense, \$1,000 for a third offense even if it occurs at the same time as the first or a second offense, and \$2500 for each subsequent offense even if it occurs at the same time as another offense. Each day that a violation continues shall be a separate offense.

Sec. 8-106. Conflicts.

In the event that the provisions of this ordinance conflict with another ordinance, the ordinance that is more restrictive shall apply.

Sec. 8-107 - 8-115. Reserved.

This ordinance shall take effect 10 days after its final passage.

The Mayor and Clerk of the City of St. Joseph, Berrien County, certify that this ordinance was passed by the St. Joseph City Commission on _____, 2007, and that notice of its adoption or a copy of the ordinance was published in *The Herald-Palladium* newspaper on _____, 2007.

MARY J. GOFF, Mayor

PEGGY A. BLOCK, Clerk