

ORDINANCE NO. 1258

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 7, BUSINESS REGULATIONS AND LICENSES GENERALLY, OF THE FERNDALE CITY CODE, ARTICLE VII, PUBLIC LODGING HOUSES AND MULTIPLE DWELLINGS TO ADD DIVISION 3. SHORT TERM RENTAL LICENSING.

THE CITY OF FERNDALE ORDAINS:

Part I. The City of Ferndale Code of Ordinances is amended to add Division 3. Short Term Rental Licensing to Chapter 7, Business Regulations and Licenses Generally, Article VII, Public Lodging Houses and Multiple Dwellings, as follows:

DIVISION 3. SHORT TERM RENTAL LICENSING

Sec. 7-153. Purpose.

It is the purpose and intent of this ordinance to regulate short-term rentals within the City of Ferndale to continue to allow use of short-term rental units, but seek to mitigate possible adverse impacts to the health, safety, welfare, and quality of life of surrounding properties and environmental quality, through establishment of a licensing program for the review, approval, and regulation of short term rental unit operations.

Sec. 7-154. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

Bedroom. An area in a dwelling that is either (A) a room designed or used for sleeping; or (B) a room or area of a dwelling that has a minimum floor area of 70 square feet and every bedroom occupied by more than one person shall contain an additional 50 square feet of floor area as determined in the International Property Maintenance Code, adopted by the City, as amended. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination. No bedroom shall be allowed in any accessory building for calculating the overnight occupancy of a Short-Term Rental Unit except as provided by special land use approval.

Block. The abutting properties on one side of a street and lying between the two nearest cross streets, or between one intersecting street and a railroad right-of-way, or any other barrier

to the continuity of development.

Home exchange or house swap. A form of lodging in which two parties agree to offer each others home, unit, apartment, condominium, or similar residential building for a set period of time. No monetary exchange takes place, it is a form of barter and is not included in the definition of Short Term Rental Unit.

Property or Lot of Record. A lot in existence at the time of adoption of the ordinance, the dimensions of which are shown on a subdivision plat of land recorded in the Office of the Register of Deeds for Oakland County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the State of Michigan, and said description recorded with the Register of Deeds for Oakland County.

Non-Residential Short Term Rental Unit. Any home, unit, apartment, condominium, or similar residential building used for a Short Term Rental Unit that is not the Owner's principal residence.

Owner. The property owner of record of the property, unit, or Lot of Record located in City of Ferndale, Michigan.

Owner's Authorized Agent. A person who has written designation to act on behalf of the owner regarding the property, unit, or Lot of Record.

Residential Short Term Rental Unit. Any home, unit, apartment, condominium, or similar residential building used for a Short Term Rental Unit that is the Owner's principal residence.

Short Term Rental Unit. Any home, unit, apartment, condominium, or similar residential building, advertised as, or held out to be, a place where a bedroom is offered to the public on a nightly, weekly, or for less than a 30-day time period and is not a bed and breakfast, hotel, motel, or public lodging house.

Sec. 7-155. Annual license required.

- (1) No Short Term Rental Unit may be advertised, operated, or offered to the public without a valid Short-Term Rental Unit license issued pursuant to this ordinance.
- (2) All new Short Term Rental Units in operation and/or being offered or advertised to the public as of the enactment date of this ordinance shall obtain a license from the City within ninety (90) days of the effective date of this ordinance.
- (3) A separate Short Term Rental Unit license is required for each property, unit, or Lot of Record that has a Short Term Rental Unit offered to the public.
- (4) All Short Term Rental Unit licenses are issued on an annual license and shall be renewed each year. License renewal applications for rental operations in the following year must be

submitted prior to any rental activity of any Short Term Rental Unit.

(5) The Owner or Owner's Authorized Agent shall permit access to the property, unit, or Lot of Record and all units at any reasonable time for the purpose of inspection prior to issuance of a Short Term Rental Unit license upon request of the City's authorized representative.

Sec. 7-156. License application requirements.

(1) The following information shall be provided within the Short Term Rental Unit license application:

- a. The name, mailing address, email address and telephone number of the Owner of the Short Term Rental Unit for which the license is to be issued.
- b. Physical address and parcel identification number of the Short Term Rental Unit.
- c. The name, address, telephone number and email address of the Owner's Authorized agent for the Short Term Rental Unit who is available 24 hours a day.
- d. A copy of the principal residence exemption affidavit from the Owner or similar evidence that the home, unit, apartment, condominium or similar residential building to be used as a Residential Short Term Rental Unit is the Owner's principal residence.
- e. All other information that is requested on the Short-Term Rental Unit License Application.
- f. No application for initial or renewal license will be accepted if there are past due property taxes, water bills, or any other debts owing to the City on the property described in the license application.

(2) Once the application is received along with any supplemental information and payment of fee, the City's CED Department shall issue or deny the license within sixty (60) days during which time the City may contact the Owner or Owner's Authorized Agent for additional information and may inspect the proposed Short Term Rental Unit for compliance with the ordinance requirements. If the permit is denied, a letter will accompany the denial explaining the reasons for the denial, and the Owner or Owner's Authorized Agent may reapply once the conditions surrounding the application denial are corrected or may file a written appeal with the City Manager within ten (10) days, who shall review the application material and affirm or reverse the appeal within thirty (30) days.

Sec. 7-157. General requirements.

(1) Septic/Solid Waste.

- a. The Short Term Rental Unit must be connected to the City's water and sanitary

sewer system.

b. Disposal of solid waste must be disposed of consistent with the City's garbage and refuse ordinance. Garbage, refuse, or recycling shall be stored completely within designated refuse containers. The Owner or Owner's authorized agent of the Short Term Rental Unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants. Owner shall be responsible for placement and retrieval of garbage and refuse containers consistent with City's waste removal schedule.

(2) Occupancy.

a. The overnight occupancy of a Short Term Rental Unit shall be limited to no more than one (1) person per bedroom unless such bedroom has not less than 120 square feet as determined in the International Property Maintenance Code in which case the occupancy shall be limited to no more than two (2) people per bedroom. The total overnight occupancy of a Short-Term Rental Unit shall not exceed eight (8) people.

b. The occupancy of a Short Term Rental Unit shall, at no time, exceed the occupancy limit for the home, unit, apartment, condominium or similar residential building provided for in the Residential Building Code, as adopted by the City.

c. Parking of recreational vehicles, tents, RV's, are prohibited at Short Term Rental Units.

d. Licensee shall not advertise any Short Term Rental Unit as containing any more than the number of bedrooms identified on the license.

e. Licensee shall not advertise a Short Term Rental Unit as available to more guests than the occupancy limit identified on the license.

(3) Noise. Information regarding the City's noise ordinance shall be provided in writing to occupants and the Owner and Owner's authorized agent of the Short Term Rental Unit shall inform occupants of noise requirements and provide a copy or reference to City's noise ordinance.

(4) Parking. Parking shall not restrict access by emergency vehicles or the traveling public and shall not impede any ingress or egress on any street, alley or highway. In addition, parking shall not encroach on any neighboring properties.

(5) Property Contact Information. The Owner or the Owner's Authorized Agent shall keep on file and shall notify each occupant, in writing, of the contact information for the Owner or Owner's Authorized Agent who shall be available 24 hours a day, seven (7) days a week, whenever a Short Term Rental Unit is being rented, with a copy to the City. The Owner or the Owner's Authorized Agent shall respond to an occupant regarding any issue or complaint raised within one (1) hour of any such point of contact or call from occupant. The Owner or the Owner's Authorized Agent shall post a copy of the Short Term Rental Unit license in a conspicuous place within the Short Term

Rental Unit.

(6) License Fees. License fees shall be established by the City Council by Resolution for Residential Short Term Rental Units and Non-Residential Short Term Rental Units. A Short Term Rental Unit that obtains a license required under this ordinance that does not actually let or rent out such Short Term Rental Unit for more than fourteen (14) days in the calendar year shall be eligible, upon proof of such utilization to the City, for a refund of a portion of its license fee in an amount established by City Council by Resolution.

(7) License Transfer. The Short Term Rental Unit license shall not be transferrable upon any change in ownership of the licensed property.

(8) The Short Term Rental Unit shall be subject to the International Property Maintenance Code adopted by the City, as amended.

(9) The Short Term Rental Unit owner or the owner's authorized agent shall maintain a record of the name, mailing address, e-mail address and telephone number of the principal renter of any Short Term Rental Unit for one (1) year from the occupancy.

(10) The Short Term Rental Unit shall be subject to the City's sign ordinance.

(10) Occupants of Short Term Rental Units are subject to all City codes and ordinances regulating the use of residential property.

Sec. 7-158. Density Limitations.

Residential Short Term Rental Units shall be permitted in all residential zoned districts as identified on City of Ferndale Zoning Map. In order to preserve the essential character of residential zoned districts in the City, Non Residential Short Term Rental Units shall be limited to no more than five (5) percent of the total number of single family, duplex, multi-family units on a block in residential zoned districts in the City. Non Residential Short Term Rental Units in existence as of the effective date of this ordinance and where such Non Residential Short Term Rental Units obtain a license from the City within ninety (90) days of the effective date of this ordinance shall be considered in existence for the purposes of deriving non-conforming rights to remain as Non Residential Short Term Rental Units notwithstanding the density provision of this section to the extent such Non Residential Short Term Rental Units remain licensed with the City.

Sec. 7-159. Enforcement.

(1) The City may investigate complaints and alleged violations of this ordinance and will follow up with the Owner or Owner's Authorized Agents and persons making a complaint within a reasonable period of time. The Owner or Owner's Authorized Agent shall respond to any substantiated complaints/violations as directed by the City or its employees or agents. All substantiated complaints/violations not resolved may result in enforcement action as provided below.

(2) If three (3) substantiated complaints/violations have occurred at a Short Term Rental Unit within one calendar year, then the license is subject to revocation as determined by the Ferndale City Manager. A Short Term Rental Unit license may be denied, suspended, or revoked by the City Manager under the provisions of the City's "administrative hearings" ordinance, being section 7-341 through 348 of the Ferndale Code of Ordinances with such action to be initiated by the City Manager but with required notices to be provided by the City Clerk, as provided in the City's "administrative hearings" ordinance.

(3) The intentional false reporting of a violation of this ordinance shall be considered a separate violation of this ordinance with a fine of \$100 for a first offense.

(4) Any Owner or Owner's Authorized Agent who fails to comply with a directive of the City as provided in paragraph 1 or who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this ordinance shall be deemed responsible for a civil infraction, punishable by a first offense of \$100.00, second offense \$200.00 and a third offense or subsequent offense within one calendar year shall be considered a misdemeanor, punishable by a fine in an amount not to exceed \$500.00 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation of any chapter, provision or section subject to this chapter shall continue shall constitute a separate offense and may be punishable as a separate offense.

(5) Any license revoked under this section shall not be reissued for a period of 1 year from the date of revocation subject to the City's "administrative hearings" ordinance, being section 7-341 through 348 of the Ferndale Code of Ordinances.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. 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 this ordinance shall not be affected.

Part IV. Repeal.


All regulatory provisions contained in other City ordinances which are inconsistent with the provisions of this ordinance, are repealed.


Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall

deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDAL, OAKLAND COUNTY, MICHIGAN, THIS 22nd DAY OF MARCH, 2021.

DocuSigned by:

 MELANIE PIANA, MAYOR
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 MARNE MCGRATH, CITY CLERK
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Date of Adoption: March 22, 2021

Date of Publication: March 26, 2021

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the Ferndale City Council held on the 22nd day of March, 2021.

DocuSigned by:

 MARNE MCGRATH, CITY CLERK
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CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE 1258

The City of Ferndale has adopted Ordinance No. 1258, amending Chapter 7, Business Regulations and Licenses Generally, Article VII, Public Lodging Houses and Multiple Dwellings to add Division 3. Short-Term Rental Licensing, of the City of Ferndale. This ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk to the Code of Ordinances of the City of Ferndale.

MARNE MCGRATH, CITY CLERK