

**Ordinance #262-A**

**An Ordinance to Amend the Code of Ordinances of the City of East Jordan, by adding new Chapter 9**

**THE CITY OF EAST JORDAN HEREBY ORDAINS:**

**Chapter 9 Part of the Code of Ordinances for the City of East Jordan is hereby added, to read as follows:**

**Chapter 9**

**Short Term Rentals**

*An ordinance of the City of East Jordan regulating various aspects short-term rentals*

**Section 1: Purpose**

The City Commission declares the rental of dwelling units in the City of East Jordan provides value to our local economy. The City Commission recognizes the importance of available housing units for year-round/full-time residents. The City Commission has enacted this regulatory ordinance to strike a regulatory balance between the interests of community residents, business owners, visitors, and property owners.

The community has different expectations for noise, occupant loads, and transient activity in its residential neighborhoods than it does in other zoned districts. The renting of a home on a short-term basis is substantially more like a business than traditional residential use.

**Section 2: Definitions**

As used in this chapter, the following words and phrases shall have the meanings hereafter ascribed to them:

*Basement:* That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling.

*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 do not qualify as bedrooms: Kitchens, dining areas, gathering spaces such as living rooms, dens, family rooms and attics or basements without egress meeting standards in applicable building, residential and fire codes.

*Short Term Rental Business Unit:* A residential dwelling unit that may be rented for more than 14 interrupted days or less than twenty-eight (28) uninterrupted days in a calendar year. Rentals longer than thirty (30) consecutive days in duration are not classified as a business unit per this chapter.

*Dwelling Unit:* A permanent building or structure providing complete independent living facilities used for a home or residence by one or more persons who maintain a household, either permanently or transiently. In cases of mixed use occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter. Does

not include Bed and Breakfasts, timeshare/fractional ownership, hotels and motels, and boarding houses.

*Short Term Rental Local Agent:* An individual designated to oversee the short-term rental of a dwelling unit in accordance with this ordinance. This individual is required to respond to calls and complaints.

*Short Term Rental Personal Unit:* A residential dwelling unit rented for no more than a total of fourteen (14) days per calendar year when the owner is not present or unlimited when the property owner is present and living on the premises

*Short-term rental Unlimited Zone:* A overlay map that shows the areas within the city where Short Term Rentals are allowed by right.

*Short term rental "STR":* The rental of a dwelling unit for compensation for a term of one to twenty-nine (1 -29) interrupted or uninterrupted nights in a calendar year.

*Zoning Administrator:* The person appointed by the City Commission who shall carry out various functions of this chapter and enforce duties and responsibilities as specified in this chapter.

### **Section 3: Location of Short-Term Rentals**

Short Term Rentals will be allowed by right in areas of the city shown in the short-term rental unlimited zone. The "Unlimited Zone" will be reviewed at the will of the City Commission with input and recommendation by the City Planning Commission. Commission will allow up to 32 STR's outside of the unlimited zone area with an unlimited amount within the unlimited zone.

A. Short Term Rentals being in existence and rented more than fourteen (14) days before November 1, 2020 but out of the unlimited zone will be grandfathered in and allowed to remain a Short-Term Rental. These units will follow the ordinance and fall under the same requirements as all other Short-Term Rentals.

### **Section 4: Registration and Licensing Requirements**

- A. All dwelling units, except those which may be assessed at 100% (PRE) principal residence exemption, used for short-term rentals for more than fourteen (14) days per calendar year shall be registered and licensed with the City as stipulated in this ordinance.
- B. The advertisement or rental of an unregistered dwelling unit for a total 14 interrupted or uninterrupted days or more during a calendar year is prohibited.
- C. Registration and licenses shall be issued by calendar year.
- D. All short-term rental registrations and licenses shall expire in one year and must be renewed at each license anniversary date.
- E. When a short-term rental property is sold, upon purchase of a STR, a new homeowner must apply with the City to transfer the current STR permit within 60 days or the STR will be forfeited and must be re-applied for. Licenses will revert to the City after expiration, ~~sale~~, revocation or twelve (12) months of non-activity and will be redistributed according to this chapter.
- F. The Zoning Administrator shall develop a form(s) to properly carry out this ordinance. The registration form shall collect not less than the following:
  - a. Name, address and telephone number of the property owner and/or local agent for the dwelling unit;

- b. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address;
  - c. The number of bedrooms in each dwelling unit and in the dwelling as a whole;
  - d. The number of days the dwelling unit is expected to be available for short term rental each calendar year;
  - e. A statement certifying that the property owner or a local agent will provide at least one copy of the safety materials as approved by the city to the renters each time the dwelling unit is rented;
  - f. 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
  - g. A list of all websites and other media where unit is advertised
- G. Upon determination that a STR applicant has met all registration and regulation requirements, a license shall be issued by the Zoning Administrator.
- H. There shall be a fee for registration collected at the time of registration. Commission shall set a fee(s); such fee(s) may vary depending on the type of property, dwelling, or other distinction Commission may deem advisable.

### **Section 5: Registration Process and Procedure**

- A. New applications will be considered in order received.
  - a. Applicants with whose principal residence exemption is in the City of East Jordan will get preference and be moved to the top of the list of new applicants.
- B. The Zoning Administrator is empowered to develop a method for registration in accordance with this provision and approved by the City.
- C. Short-term rental shall follow applicable regulations found within the East Jordan City Code.

### **Section 6: Types of Short-Term Rentals**

- A. *Personal units.* Personal units may be rented for periods of not less than 2 days up to a total of 14 days per calendar year when the owner is not present. Personal units are properties with a Homestead exemption and owner occupied.
  - a. An owner can register only one personal unit. Additional units under one ownership must be registered as a business unit.
- B. *Business units.* Business units may be rented without restriction on days rented per year.

### **Section 7: Regulations**

- A. *Local agent required.* All dwelling units used for short-term rentals shall have a designated local agent.
- B. *Contact information posted.* A notice shall be posted in a prominent location within any dwelling unit used for short-term rentals stating the name of the local agent, a 24-hour telephone number with which the agent can be reached.
- C. *Compliance with codes.* The dwelling unit must meet all applicable International Building Maintenance Codes, Health Department, Nuisance and Safety Codes as necessary to protect the safety of occupants.
- D. *Noise and nuisance.* 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. The city's Noise Control Ordinance shall apply.
- E. *Fireworks.* Fireworks of any kind are not allowed on rental property, except in accordance with the city's Fireworks ordinance.

- F. **Maximum occupancy.** Short-term rentals shall be permitted maximum occupancy of 2 persons per bedroom plus two persons per finished and legal floor for dwelling as described in the registration and as may be verified by inspections from time to time.
  - a. No rental shall be permitted for more than 10 persons.
  - b. No dwelling unit used as a short-term rental may be built or modified hereafter to exceed to limitation of 10 persons as described above.
- G. **Parking Restrictions.** Parking may not interfere with travel on roadway or with neighboring properties.
- H. **Advertising.** No person shall advertise a short-term rental, unless the property fully complies with this ordinance.

### **Section 8: Revocations, Appeals and Civil Infraction**

- A. **Revocation procedure.** The written notice of the charges and the notice of the hearing shall be personally served on the owner or agent or served on the owner by certified mail, restricted delivery, not less than 21 days before the hearing before the Zoning Administrator.
  - a. Upon a finding by the Zoning Administrator of a first violation within any twelve (12)-month period, the short-term rental registration may be cited with a civil infraction citation and fined up to \$100.00.
  - b. Upon a finding by the Zoning Administrator of a second violation within any twelve (12)-month period, the short-term rental registration may be cited with a civil infraction citation and fined \$250.00 and shall be suspended for 30 days and during said time; the premises shall not be utilized for a short-term rental.
  - c. Upon a finding by the Zoning Administrator of a third or subsequent violations within any twelve (12)-month period, the short-term rental registration may be cited with a civil infraction citation and fined \$500.00 and shall be revoked and the owner or local agent who had been issued the short-term rental registration shall not again be issued a short-term rental license under that ownership name and the premises shall not be utilized for a short-term rental.
- B. A minimum of a twenty-one (21) 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.
- C. **Appeal Procedure.** Upon a determination by the Zoning Administrator that the registration of a dwelling unit is subject to revocation pursuant to division (A)(c) above, the Zoning Administrator shall issue a notice to the owner, agent and all property owners within one hundred (100) feet of the registered STR stating that the city intends to revoke the rental registration.
  - a. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked. If a hearing is requested and the fee is paid within fourteen (14) days of the service of the notice, the city shall schedule the hearing before the Zoning Board of Appeals and notify the owner and agent in writing of a time and place for that hearing.
  - b. At the hearing, the owner and agent may present evidence that the requirements for revocation provided in division (A)(c) above are not satisfied, or that the property owner and agent 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.

- c. The Zoning Board of Appeals shall independently determine whether there is competent, material and substantial evidence establishing a violation of this division (C), and/or whether there is competent, material and substantial evidence establishing that extenuating circumstances exist.

**Section 9: Supersede previous provisions**

Upon approval of this chapter, this chapter shall supersede the provisions contained within any other Ordinance Chapter.

**Section 10: Enactment**

This ordinance shall take effect seven (7) days after its adoption and publication.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Cheltzi M. Wilson, MMC/MiPMC  
City Clerk

ROLL CALL VOTE:

AYES: SHERMAN, PENZIEN, TIMMONS, AND MILLER

NAYS: NONE

ABSENT: REID JR.

ABSTAIN: HOFWEBER AND NEWINGTON

ADOPTED: MARCH 7, 2023

PUBLISHED: MARCH 16, 2023

EFFECTIVE: MARCH 23, 2023