

## AMENDMENT

### CITY OF LUDINGTON ORDINANCE NO. 318-15

An ordinance to add Article VII to Chapter 6 of the City Code, being Section 6-210 through Section 6-218, to establish a residential rental properties inspections program.

#### THE CITY OF LUDINGTON ORDAINS:

##### Section 1:

Section 6-210 through Section 6-218 shall be added to the City Code for the City of Ludington and shall read as follows:

##### Sec. 6-210. Purpose.

- (a) The purposes of this chapter are to establish minimum standards for dwellings offered for rent or lease, to authorize inspections of such dwellings, to establish certain responsibilities and duties of landlords and occupants essential to make such dwellings safe, sanitary and fit for human habitation, provide for registration with the Building Inspector, to require a certificate of compliance issued by the Building Inspector and to designate penalties for violations of this chapter.

##### Sec. 6-211. Definitions.

- (a) "Boarding House/Rooming House" shall be as defined in the City of Ludington Zoning Ordinance.
- (b) "Certificate of Compliance" means a document issued by the Inspector stating the dwelling has passed inspection and complies with local codes and requirements.
- (c) "Dwelling" means any house, room, boarding house/rooming house or apartment, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating. Hotels, motels, bed & breakfasts and resorts shall not be defined as a dwelling for purpose of this chapter.
- (d) "Fee" means a fee determined from time to time by Council resolution. Such fee shall be charged each time the inspector makes an on-site inspection of any dwelling that comes within the meaning of this chapter.
- (e) "Landlord" means any person, firm, partnership, association, corporation, company or organization of any kind owning or offering for rent or lease any dwelling or dwelling unit within the City.
- (f) "Ludington Property Maintenance Code" shall be the Ludington Property Maintenance Code as adopted by the City of Ludington as Ordinance 24-00 as amended.
- (g) "Parcel" means a tract of land identified by a single parcel identification number on the ad valorem property tax rolls of the City.
- (h) "Rental Dwelling" means any dwelling which is rented, leased or offered for rent or lease within the City.
- (i) "Rental Dwelling Unit" a portion of a rental dwelling for an individual, couple, a single family, or other living unit.
- (j) Short-Term Rental is a dwelling unit that the owner does not claim as 100% residency that is

offered for rent in part or in its entirety for less than 28 consecutive days (this does not prevent more than 28 days) per occupant.

(k) "Smoke Detector Ordinance" is section 6-86 through 6-91 of the City Code.

(l) "Transfer of Ownership" shall have the meaning ascribed to it as set forth in MCL 211.27a, or any subsequent sections or statutes of the same import.

#### Sec. 6-212. Minimum Standards for Rental Dwellings

The minimum standards for any rental dwelling maintenance shall be those contained in the Ludington Property Maintenance Code as adopted by the City of Ludington.

#### Sec. 6-213. Registration of Rental Dwellings

(a) All rental dwellings shall be registered with the City by the owner.

(b) All rental dwellings existing as of the effective date of this Ordinance shall be registered no later than March 15, 2016.

(c) The landlord of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new units.

(d) Upon a transfer of ownership of a rental dwelling, the new owner of rental dwellings already registered with the City shall re-register within sixty (60) days of assuming ownership. A short-term rental designation will stay with the property if the new owner meets all qualification criteria.

(e) A landlord shall re-register the dwelling every three (3) years or if the landlord adds any additional dwelling units in or to the rental dwelling.

(f) Failure of the landlord to register his or her rented or leased dwelling is a violation of this chapter, and the landlord shall be subject to a non-registration fee of \$500 for each unit not timely registered.

(g) It shall be unlawful for any landlord to rent any dwelling or dwelling unit that is not registered.

#### Sec. 6-214. Certificate of Compliance

Every rental dwelling within the City of Ludington, other than exempt rental dwellings as described in subsection 6-215(f), must receive a certificate of compliance. Such certificate shall be issued upon passing an inspection or, in the case of newly constructed rental dwelling units meeting current building code requirements, upon issuance of a certificate of occupancy by the Building Inspector and registration of the newly constructed rental dwelling units under this Article. A certificate of compliance issued in connection with new construction shall be valid for three years. Such certificate of compliance must be displayed in the rental dwelling unit or made available to any tenant upon request. Such certificate of compliance must be renewed in accordance with the schedule for inspections as provided in section 6-215. Displaying a certificate of compliance in a non-inspected or non-compliant rental unit shall be a violation of this ordinance.

#### Sec. 6-215. Inspections by building inspector prior to permit issuance

(a) The Building Inspector or his or her agent shall make the necessary inspections required for the purpose of enforcing this chapter. He/She shall determine if the dwelling meets the minimum standards set forth in the Ludington Property Maintenance Code. In recognition of the fact that

many rental dwellings within the City of Ludington predate the Ludington Property Maintenance Code, the Building Inspector may, in the exercise of his or her professional judgment, waive any requirement of the Property Maintenance Code which, in the opinion of the Building Inspector (i) does not jeopardize the health, safety or welfare of the occupants of the rental dwelling, (ii) would be unreasonably costly to the Landlord to repair or replace in light of the benefits that would be achieved, and (iii) is not contrary to the purposes and intents of this Article.

(b) Inspections will be conducted on a three-year cycle.

(c) The Building Inspector shall establish an inspection schedule. Notice shall be mailed to each landlord at least 30 calendar days prior to the scheduled inspection. It shall be the responsibility of the landlord to notify and make arrangements with the tenant for access to the dwelling or rental unit for purposes of conducting the inspection. If the inspection as scheduled creates undue hardship, the inspection can be rescheduled by notifying the building inspector at least 24 hours prior to scheduled inspection.

(d) After the first year of inspections, all rental dwelling units that have been inspected must have certificates of compliance prior to occupancy of a rental dwelling unit. After the second year, all rental dwelling units that have been inspected in the first two years must have certificates of compliance prior to occupancy of a rental dwelling. Effective three years after ordinance adoption, all rental dwellings units within the City shall have certificates of compliance prior to occupancy of a rental dwelling unit.

(e) Nothing in this Ordinance shall prevent the Building Inspector from making additional inspections either based upon complaints, referrals from other governmental agencies, or otherwise, to enforce the Ludington Property Maintenance Code or other applicable laws, ordinances or regulations. Upon receiving a complaint, the Building Inspector shall notify the landlord of the nature of the complaint and shall provide the landlord a reasonable opportunity to resolve the complaint before scheduling an inspection. All complaints from tenants shall be in writing. If a tenant submits a written complaint regarding the condition of the tenant's rental dwelling unit, the tenant shall pay the City the appropriate inspection fee prior to the Building Inspector inspecting the rental dwelling unit.

(f) In the event that the Building Inspector finds violations of the Ludington Property Maintenance Code or Smoke Detector Ordinance, the Building Inspector shall make re-inspections to ensure compliance with the Ludington Property Maintenance Code and the Smoke Detector Ordinance.

(g) A rental unit shall be exempt from inspection under this Ordinance if and so long as the U.S. Department of Housing and Urban Development (HUD) and/or the Michigan State Housing Development Authority (MSHDA) inspect such rental unit and such rental unit has passed such inspection.

(h) If a landlord owns 6 or more rental dwelling units located on a single parcel, the City shall randomly select one-half of the rental dwelling units for inspection. For each rental dwelling unit that does not pass inspection, an additional rental dwelling unit shall be inspected.

(i) Any person directly affected by a decision or determination of the Building Inspector or any notice or order issued by the Building Inspector may appeal to the Construction Board of Appeals in accordance with Section 111 of the Ludington Property Maintenance Code.

#### Sec. 6-216. Fees

There shall be imposed, pursuant to these sections, various fees as established from time to time by the City Council by resolution. City Council shall review the schedule of fees not less frequently than every three years.

## Sec. 6-217. Additional inspections

If the Building Inspector, based upon his/her inspection finds that there is reasonable cause to believe that additional inspections are necessary, for which the Building Inspector is not qualified to inspect, such as mechanical, plumbing or electrical inspections, the Building Inspector may require the landlord to have such additional inspections at the landlord's expense and to provide the Inspector with proof that such identified items are not in violation of any applicable codes, or with proof that such items have been repaired so that they comply with such codes.

## Sec. 6-218. Additional information required for short-term rentals

In addition to other requirements of this code, the owner of a short-term rentals shall comply with the following conditions:

- a) The property owner must designate a local agent. The local agent must be available 24 hours a day, 7 days a week to respond to any issue or complaint regarding the rental.
- b) The property address of the short-term rental must be displayed in the main area of the house so that it can easily be obtained in case of an emergency.
- c) The contact information for the owner or local agent must be displayed at the property and provided to all renters.
- d) Each unit must contain a working land line.
- e) Information must be displayed regarding noise, trash collection, and parking ordinances.
- f) Short-term rentals must provide a fire extinguisher that is readily accessible and properly maintained.
- g) The owner of a short-term rental must provide the name of the twenty-four hour contact information of the owner/agent to neighbors immediately adjacent (side and rear) and across the street from the rental property.
- h) Documentation must be provided stating that the property's liability insurance covers short-term rental use and short-term rental occupants.
- i) Written confirmation must be submitted stating that the owner of the short-term rental does not have ownership in more than one short-term in the City.
- j) Tenants of any rental units may not sublet any part of the premises being rented.
- k) Owners of short-term rentals must include their permit/license in all advertisements.
- l) Number of occupants who stay in a unit is limited on a per bed capacity basis. No campers, tents or similar shelters are allowed.

## Sec. 6-219 General provisions for short-term rentals

- a) Short-term rentals do not include condominium units that were granted special land use approval.
- b) There shall be a maximum of 100 short-term rentals in the city.
- c) Only two (2) short-term rentals will be allowed per city block right-of-way/street segment.

**Sec. 6-220 Revocation**

Certificate of Compliance will be revoked for any short-term rental that is found to be adversely affecting the public health, safety, or welfare of the immediate neighborhood in which the property is located.

**Sec. 6-221 Review Process**

Short-Term rentals will be reviewed after one year.

**Sec. 6-222. Penalty**

Any person (as defined in Section 1-2 of the City Code) who violates any provision of this chapter, including failure of a landlord to register a rental dwelling, failure or refusal to allow an inspection or re-inspection, failure to pay any fee required or failure to obtain an additional inspection and provide proof of compliance with applicable codes, shall be guilty of a municipal civil infraction as provided in Section 1-7 of the City Code. The Building Inspector or any other City employee or official designated by the City Manager, in writing, is authorized to issue citations for violations of this chapter.

Sec. 6-222– 6-240. – Reserved.

Section 2: Severability: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Code of Ordinances of the City of Ludington.

Section 3: Effective Date: This Ordinance shall be effective 20 days after publication.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Deborah L. Luskin, City Clerk

**Certification**

I, Deborah L. Luskin, being the Clerk of the City of Ludington, certify that the above is a true and accurate copy of the Ordinance adopted by the City Council at their regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.