



# City Council Study Session

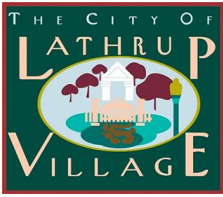
Monday, December 16, 2024 at 6:00 PM

27400 Southfield Road, Lathrup Village, Michigan 48076

1. **Call to Order** by Mayor Garrett
2. **Discussion Items**
  - A. Short Term Rentals
  - B. Communication Plan
  - C. 2025 City Council Board Appointments
3. **Public Comments**
4. **Mayor and Council Comments**
5. **Adjourn**

## ADDRESSING THE CITY COUNCIL

- Your comments shall be made during times set aside for that purpose.
- Stand or raise a hand to indicate that you wish to speak.
- When recognized, state your name and direct your comments and/or questions to any City official in attendance..
- Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to three (3) minutes duration during the first and last occasion for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
- In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.
- No speaker may make personal or impertinent attacks upon any officer, employee, or City Council member or other Elected Official, that is unrelated to the manner in which the officer, employee, or City Council member or other Elected Official, performs his or her duties.
- No person shall use abusive or threatening language toward any individual when addressing the City Council.
- Any person who violates this section shall be directed by the Mayor to be orderly and silent. If a person addressing the Council refuses to become silent when so directed, such person may be deemed by the Mayor to have committed a “breach of the peace” by disrupting and impeding the orderly conduct of the public meeting of the City Council and may be ordered by the Mayor to leave the meeting. If the person refuses to leave as directed, the Mayor may direct any law enforcement officer who is present to escort the violator from the meeting.



**City of Lathrup Village**  
27400 Southfield Road  
Lathrup Village, MI 48076  
[www.lathrupvillage.org](http://www.lathrupvillage.org) | (248) 557-2600

TO: Mayor & City Council  
FROM: Mike Greene – City Administrator  
DATE: December 16, 2024  
RE: Study Session

**Short-Term Rental**

Over the past quarter, the City Council has discussed short-term rentals and regulations during Study Sessions. After the last Study Session, which included a presentation from Kyle Bryce, City of Ferndale, the purpose of this item is to determine if the City Council wants to proceed with establishing its own SRT ordinance.

Enclosed with the packet:

- Ordinance Example – Wolverine Lake
- Ordinance Example – Ferndale
- Baker & Elowsky – Milford Township SRT Memo

**Communications Plan**

Included in your packet is a DRAFT outline for the LV Communications Plan being spearheaded by Councilmember Hammond. While some sections have been drafted, the purpose of this discussion is to gather feedback from the rest of the Council that this is what should be included in the plan before we proceed further.

**City Council Board Appointments**

Each December, the City Council appoints members of the Council to the various City boards/commissions as City Council Liaisons. These boards/commissions consist of:

- Downtown Development Authority (Alternate)
- Planning Commission
- Parks & Recreation
- Tree Committee
- Election Commission
- Southfield School Board

The purpose of this discussion is to discuss who would like to serve on each board before formal appointments are made during the regular meeting.

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|                        |                               |                                  |                                    |                                 |
|------------------------|-------------------------------|----------------------------------|------------------------------------|---------------------------------|
| Kelly Garrett<br>Mayor | Bruce Kantor<br>Mayor Pro-Tem | Jalen Jennings<br>Council Member | Dalton Barksdale<br>Council Member | Jason Hammond<br>Council Member |
|------------------------|-------------------------------|----------------------------------|------------------------------------|---------------------------------|

## CHAPTER 1486

### Short-Term Rentals

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- 1486.01 Purpose.
- 1486.02 Applicability.
- 1486.03 Definitions.
- 1486.04 Registration required.
- 1486.05 Application for registration.
- 1486.06 Existing short-term rental registration.
- 1486.07 Change in registration information.
- 1486.08 Re-registration.
- 1486.09 Inaccurate or incomplete registration information.
- 1486.10 Revocation.
- 1486.11 Appeal of denial of registration or revocation.
- 1486.12 Order of vacation.
- 1486.13 Renewal.
- 1486.14 Basis for inspections.
- 1486.15 Complaint-initiated inspections.
- 1486.16 Inspection procedures.
- 1486.17 Inspection criteria.
- 1486.18 Reinspection.
- 1486.19 Short-term rental standards and regulations.
- 1486.20 Enforcement.
- 1486.21 Administrative liability.
- 1486.22 Right of entry.
- 1486.23 Warrants for non-emergency situations.
- 1486.24 Access by owner.
- 1486.99 Penalties.

#### **1486.01 PURPOSE.**

The purpose of this chapter is to protect and promote the health, safety and welfare of the residents of the Village of Wolverine Lake, as well as those visiting the area, by requiring the registration of short-term rentals within the Village. It is also the intent of this chapter to provide regulations to preserve and maintain the residential communities within the Village and to ensure that the short-term rental activity permitted resembles the existing and traditional residential uses made by resident owners and lessees.

(Ord. 163. Passed 12-13-23.)

#### **1486.02 APPLICABILITY.**

This chapter applies to all residential dwelling units in the Village of Wolverine Lake where the dwelling unit is rented for a period of less than 30 days at a time, and where the owner does or does not reside during the rental period. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Village, including the Zoning Code. Further, this chapter does not affect additional requirements placed on use of property imposed by deeds, restrictive covenants, associations rules or bylaws, or rental agreements.

(Ord. 163. Passed 12-13-23.)

#### **1486.03 DEFINITIONS.**

Unless otherwise specified herein, the terms used in this chapter shall be defined as follows.

- (a) "Bedroom" shall mean a separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes, has a minimum horizontal distance in any direction of seven feet, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms, or living rooms.
- (b) "Building Official" shall mean the person, or his or her designee, appointed as chief administrator of building and construction codes, permits and accepted construction procedures within the Village of Wolverine Lake. For the purpose of this chapter, a Building Official designee may include a professional entity or person which is in the business of performing building inspections.
- (c) "Maximum Occupancy" shall mean the maximum number of allowable occupants for a short-term rental, as established in Section 1486.19 of this chapter.
- (d) "Occupant" shall mean an occupant or renter of a short-term rental pursuant to a verbal or written rental agreement. The term "occupant" as used herein does not include guests of the occupant or renter who are visiting outside quiet hours.
- (e) "Owner" shall mean the person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.
- (f) "Parking Space" shall mean an onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.
- (g) "Premises" means the site upon which a short-term rental unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.
- (h) "Responsible Local Agent" means a person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his or her place of residence in the county and designated by the property owner as responsible for operating such property in compliance with the ordinances adopted by the Village. All official notices of the Village 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.
- (i) "Short-Term Rental" or "STR" shall mean a single-family dwelling unit, or portions thereof, that is available, registered and used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time when the owner of the single-family dwelling unit does or does not reside in the dwelling unit during the rental period.
- (j) "Short-Term Rental Structure" shall mean any building containing one or more short-term rental units, including any common areas accessible to occupants of all short-term rental units within the building, restricted or non-accessible portions of the structure and the building exterior.
- (k) "Short-Term Rental Unit" shall mean distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid.
- (l) "Special Events" shall mean, in association with a short-term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental license.

(Ord. 163. Passed 12-13-23.)

#### **1486.04 REGISTRATION REQUIRED.**

No property owner shall lease, rent or otherwise allow a short-term rental unit to be occupied unless the STR unit is registered with the Village and a person is designated a responsible local agent. The responsible local agent shall be legally responsible for operating the registered STR unit in compliance with the ordinances adopted by the Village, shall be responsible for providing access to the STR unit for the purpose of making any and all inspections necessary to ensure compliance with the ordinances adopted by the Village, and shall accept all legal notices or service of process with respect to the STR unit. The responsible local agent shall maintain a list of the names and number of occupants of each STR unit for which he or she is responsible for every rental that occurs.

(Ord. 163. Passed 12-13-23.)

#### **1486.05 APPLICATION FOR REGISTRATION.**

An application for registration of a short-term rental unit shall be made in such form and in accordance with such instructions as may be provided by the Village Building Official and shall include at least the following information.

- (a) The address of the short-term structure or unit(s);
- (b) The names and addresses of all owners of the short-term rental structure or unit(s);
- (c) The name, address and telephone number of the person authorized to collect rental fees from the individuals occupying the short-term rental structure or unit(s);
- (d) The name, local address and telephone number of the responsible local agent;
- (e) The number of short-term rental units in each structure;

(f) A copy of the recorded deed or land contract, and a copy of any deed restrictions, by-laws, or master deed requirements for every structure or premises; and

(g) Proof of homeowner's and/or liability insurance, in a form acceptable to the Village, for limits acceptable to the Village, naming the Village of Wolverine Lake as an additional insured.

(Ord. 163. Passed 12-13-23.)

**1486.06 EXISTING SHORT-TERM RENTAL REGISTRATION.**

All short-term rental structures or units existing as of the effective date of this chapter shall be registered no later than six months after the effective date of this chapter. The Village may order registration prior to that date for any known STR structures or units upon notification to the property owner of record. Such registration shall be effective for three years, and it shall be the responsibility of the property owners to re-register such STR structure or unit prior to the expiration of the registration for each STR structure or unit.

(Ord. 163. Passed 12-13-23.)

**1486.07 CHANGE IN REGISTRATION INFORMATION.**

The property owner of a short-term rental structure or unit registered with the Village shall re-register within 60 days after any change occurs in registration information. A new owner of a registered STR structure or unit shall re-register the STR structure or unit as provided in this chapter. Registration fees shall not apply.

(Ord. 163. Passed 12-13-23.)

**1486.08 RE-REGISTRATION.**

A property owner shall re-register every three years, prior to the expiration of any existing registration.

(Ord. 163. Passed 12-13-23.)

**1486.09 INACCURATE OR INCOMPLETE REGISTRATION INFORMATION.**

It shall be a violation of this chapter for a property owner or a responsible local agent to provide inaccurate information for the registration of STR structures or units or to fail to provide information required by the Village for such registration. In those cases in which the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each such owner.

(Ord. 163. Passed 12-13-23.)

**1486.10 REVOCATION.**

If the Building Official shall discover the failure of any property owner to comply with a notice of violation issued pursuant to the provisions of the ordinances adopted by the Village, registration may be revoked.

(Ord. 163. Passed 12-13-23.)

**1486.11 APPEAL OF DENIAL OF REGISTRATION OR REVOCATION.**

Any property owner whose short-term rental structure or unit registration has been denied or revoked may file an appeal to the Village of Wolverine Lake Zoning Board of Appeals.

(Ord. 163. Passed 12-13-23.)

**1486.12 ORDER OF VACATION.**

(a) Upon revocation of any registration, founded upon a determination that a short-term rental structure or unit is unfit for human habitation, and after exhaustion of an appeal to the Village of Wolverine Lake Zoning Board of Appeals, if one has been made, the owner or operator of the STR structure or unit shall immediately vacate the structure or unit; and no person shall thereafter occupy the structure or unit for sleeping or living purposes until such structure or unit complies with this chapter.

(b) When a short-term rental structure or unit is found to be in violation of the provisions of the ordinances adopted by the Village, but determined to be habitable, a vacation order shall not be entered; but the registration shall be deemed expired and the STR structure or unit shall be in violation of the terms of this chapter.

(Ord. 163. Passed 12-13-23.)

**1486.13 RENEWAL.**

At least 30 days prior to the expiration of any registration, the Village shall notify the registered owner to re-register the short-term rental structure or unit and to arrange for an inspection if necessary. The property owner shall be responsible for re-registering a STR structure or unit and arranging an inspection prior to the registration expiration date. When a STR structure or unit is re-registered in accordance with this chapter, it shall have a three year expiration date with the same month and day as shown on the previous registration, regardless of the date that the new registration is actually issued.

(Ord. 163. Passed 12-13-23.)

#### **1486.14 BASIS FOR INSPECTIONS.**

Inspections may be made to obtain and maintain compliance with the standards of this chapter based upon one of the following.

- (a) A complaint received by the Village indicating that there is a violation of the standards or provisions of the ordinances adopted by the Village;
- (b) An observation by the Village of a violation of the standards or the provisions of the ordinances adopted by the Village;
- (c) A report or observation of a short-term rental structure or unit that is unoccupied and unsecured or a STR structure or unit that is fire damaged;
- (d) The need to determine compliance with a notice or an order issued by the Village;
- (e) An emergency observed or reasonably believed to exist;
- (f) A request for an inspection by the property owner; or
- (g) Requirements of law where a short-term rental structure or unit is to be demolished by the Village or where ownership is to be transferred to the Village.

(Ord. 163. Passed 12-13-23.)

#### **1486.15 COMPLAINT-INITIATED INSPECTIONS.**

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected short-term rental structure or unit. If any maintenance issues are discovered, inspection fees may be applied at the discretion of the Village.

(Ord. 163. Passed 12-13-23.)

#### **1486.16 INSPECTION PROCEDURES.**

(a) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, even though an inspection could not be performed. Rescheduling of the inspection shall be the sole responsibility of the owner or responsible local agent. No inspection shall be completed until all fees are paid in full.

(b) A property owner, local agent or occupant shall provide access to his or her short-term rental structure or unit(s) for all inspections. An individual refusing entry shall be notified of the Village's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the short-term rental structure or unit as uninhabitable and/or instituting other legal action as prescribed herein.

(Ord. 163. Passed 12-13-23.)

#### **1486.17 INSPECTION CRITERIA.**

(a) The Village shall utilize the "International Property Maintenance Code" and other applicable ordinance requirements adopted by the Village Council for the Village of Wolverine Lake, as the established standards for the inspection of all short-term rental structures and units.

(b) The Building Official shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code". The checklist shall be available to all short-term rental property owners and tenants prior to an inspection.

(c) The Building Official shall determine whether the short-term rental structure or unit complies with or are legal non-conforming uses in their zoning district. In the event that a legal non-conformity cannot be established, or an owner disagrees with the findings of the Building Official in regard to non-conformity or proper zoning, an appeal may be made to the Village of Wolverine Lake Zoning Board of Appeals.

(Ord. 163. Passed 12-13-23.)

#### **1486.18 REINSPECTION.**

Where a reinspection must be made to ensure conformity with this chapter, there will be charged a separate fee for each inspection when the violation has not been abated or corrected.

(Ord. 163. Passed 12-13-23.)

#### **1486.19 SHORT-TERM RENTAL STANDARDS AND REGULATIONS.**

(a) Only one dwelling unit per structure, and only one structure on each premises, shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the short-term rental structure or unit and not in a recreational vehicle, camper, or tent.

(b) The Village of Wolverine Lake will limit the number of short-term rental structures within the Village to eight. There are no restrictions on the number of structures or units operated by a single individual.

(c) This chapter only applies to residential zoning districts. No short-term rentals shall be allowed in any other district.

(d) All parking associated with a short-term rental shall be entirely on-site, in the garage, driveway or other improved area. No on-street parking shall be permitted in association with a short-term rental.

(e) Arrangements for trash disposal must be provided. Trash must be contained in properly sealed receptacles with no overflow that will be attractive to insects or vermin.

(f) Pets shall be secured on the premises or on a leash at all times. Occupants and guests shall abide by the regulations contained in the Village of Wolverine Lake Code of Ordinances related to household pets and animals.

(g) Fireworks are not allowed on a rental property, except in accordance with Section 692.09 of the Village of Wolverine Lake Code of Ordinances, as may be amended.

(h) Short-term rentals shall be required to maintain operating smoke detectors, carbon monoxide detectors, and fire extinguishers. Evacuation routes shall be posted in a conspicuous location in each bedroom as well as the main gathering space in each STR structure and unit.

(i) The occupancy for all short-term rentals shall be no more than two occupants per bedroom excluding children under the age of five years old. Sofa sleepers in any living area may also account for two occupants each, with a total maximum STR occupancy, excluding children under the age of five, of ten occupants. At no time shall additional individuals be allowed to sleep outside of the dwelling structure or unit, or in any basement or attic area that does not have legally compliant ingress and egress.

(j) All occupants during any rental period must be members of the same group or family. Guests of the occupants, up to the number equal to the capacity limit of the short-term rental, may be allowed only during non-quiet hours listed below.

(k) Short-term rentals shall observe quiet hours between 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between 11:00 p.m. and 8:00 a.m. Friday, Saturday, and federal holidays. 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. Fireworks noise may occur during the time allowed for use of such fireworks under the Village of Wolverine Lake Code of Ordinances.

(l) Special events, as defined by this chapter, shall not be allowed.

(m) The owner shall require these standards be met by occupants and guests, which shall be included as part of all verbal or written rental agreements.

(Ord. 163. Passed 12-13-23.)

#### **1486.20 ENFORCEMENT.**

The Village Building Official, Code Enforcement Officer, Village fire officials and Village police officers are authorized to enforce the provisions of this chapter.

(Ord. 163. Passed 12-13-23.)

#### **1486.21 ADMINISTRATIVE LIABILITY.**

Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent, official or employee of the Village charged with the enforcement of this chapter shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(Ord. 163. Passed 12-13-23.)

#### **1486.22 RIGHT OF ENTRY.**

When an inspection shall be made, the Building Official, or other enforcing officer, may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this chapter. Permission to access the premises shall be granted by the owner of the premises, his or her agent, or any occupant of the premises. If there is an

emergency, then the Building Official, or other enforcing officer, shall have the right to enter at any time.

(Ord. 163. Passed 12-13-23.)

#### **1486.23 WARRANTS FOR NON-EMERGENCY SITUATIONS.**

In a non-emergency situation where the owner, his or her agent, or other occupant of the premises demands a warrant for the inspection of the premises, the Building Official, or other enforcing officer, shall obtain a warrant from a court of competent jurisdiction. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., complaint, compliance, and the like) established in this chapter and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this chapter and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this section, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

(Ord. 163. Passed 12-13-23.)

#### **1486.24 ACCESS BY OWNER.**

Every occupant or guest of any short-term rental structure or unit in the Village shall give the owner thereof, or his or her agent or employee, access to any part of the structure or unit at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(Ord. 163. Passed 12-13-23.)

#### **1486.99 PENALTIES.**

(a) The penalties for violations of this chapter are as follows:

(1) For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.

(2) A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Village Building Inspector, Code Enforcement Officer and other officials designated by the Village Council are hereby authorized to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court. Each day the violation remains may be a separate offense.

(3) A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred dollars (\$500.00), and the registration shall be revoked. An owner may re-register no sooner than 12 months after revocation of said registration.

(4) If there are one or more violations each year during any three consecutive year period, registration may be permanently revoked.

(b) A violation of this chapter shall be a nuisance per se. The Village shall also have the right to commence a civil action to enforce compliance with this chapter.

(Ord. 163. Passed 12-13-23.)



## **[DIVISION 7-VII-3 Short Term Rental Licensing](#)**

[Sec 7-153 Purpose](#)

[Sec 7-154 Definitions](#)

[Sec 7-155 Annual License Required](#)

[Sec 7-156 License Application Requirements](#)

[Sec 7-157 General Requirements](#)

[Sec 7-158 Density Limitations](#)

[Sec 7-159 Enforcement](#)

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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 two (2) adult (meaning over eighteen years of age) 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.

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

#### HISTORY

Adopted by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

Amended by Ord. [1258 - Amended](#) on 3/26/2021

### **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.

#### HISTORY

Amended by Ord. [1258](#) on 3/22/2021

LAW OFFICES  
BAKER & ELOWSKY, PLLC

MEMORANDUM

DATE: 07/31/2023  
TO: Jennifer Elowsky  
FROM: Leann Kimberlin  
RE: Milford Township – Short Term Rentals

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**Issue:** How may short term rentals (STRs), such as Airbnb, be regulated in the Township?

**Background and Regulatory issues in Michigan:**

Several cases in the past few years in Michigan have highlighted the fact that short-term rental law still varies from local jurisdiction to local jurisdiction, with some courts varying as to the exact nature of the use, but one case in particular highlights the crux of the issue well.

In *Reaume v. Township of Spring Lake*, 328 Mich app 321, 937 NW2d 734 (2019), the Court of Appeals first ruled that operating a short-term rental is a commercial use of property and not a residential one and was thus prohibited in a residential zoning district. The ruling was then appealed to the Michigan Supreme Court, where the Supreme Court upheld the effect of the ruling, that the use was prohibited, but on a different basis: The court ruled that the short-term rental use of property fell within the township’s definition of a “motel,” not a “dwelling.” Because “motels” were not a permitted use in the residential zoning district, and the plaintiff’s property was zoned residential, the high court affirmed the appellate court ruling and concluded that short-term rentals were not allowed in the district.

One of the other main issues in the Court of Appeals case that the Michigan Supreme Court addressed was whether the definition of a “single-family dwelling” could apply to a family that was staying in a short-term rental on a temporary basis. The Court of Appeals ruled that a “family” for the purposes of single-family zoning did not apply to “individuals whose relationship is of a transitory or seasonal nature” and excluded transient or temporary rental occupation in that zoning on those grounds. The Supreme Court of Michigan, however, vacated that narrow question, affirming that a “family” for the purposes of single-family dwellings, although not being of a transitory nature with respect to each other, still could be transitory as it relates to their occupancy. This theoretically could lay the groundwork for allowing short-term rentals in residential single-family zoning districts if there are no other provisions of the community’s zoning ordinance that deal with temporary occupancy, like a “motel,” in which the use would more readily fit.

Interestingly, Park Township Michigan has the exact same ordinance, and after the Spring Lake court ruling, it decided to ban all STRs. Park Township was able to do so without consideration of nonconforming use issues as “motels” were never allowed in residential districts, and therefore the STR use (which had been occurring in some form for at least 48 years) was never permitted and would therefore not be considered “grandfathered” or legally nonconforming.

Other subsequent cases have sidestepped this issue of whether short-term rentals are allowed in single-family residential districts by ruling on other grounds. For example, in *Pigeon v. Ashkay Island, LLC*, unpublished 2021 Court of Appeals opinion, the court found that a short-term rental property was not permitted in a residential district because it met the definition of a “tourist home,” which is not permitted in the district. In that case, the subject Manchester Township zoning ordinance defined a “tourist home” as: *A dwelling in which overnight accommodations are provided or offered to transient guests for compensation. A tourist home shall not be considered or construed to be a multiple dwelling, motel, hotel, boarding or rooming house.* Tourist homes are permitted only in Manchester Township’s Community Commercial Center Zoning District, and therefore the residential STR was properly prohibited.

Another example is *Cherry Home Association v Baker*, an unpublished Court of Appeals opinion issued in 2021. There, the defendant’s property was subject to private deed restrictions which limited the use of the land to “residential use”. The defendant property owners began renting their lot on a short-term basis, and argued the lot was rented for use as a residence, and therefore permissible under the restrictions. The Court disagreed with this argument and held that the plain language of the restrictions clearly limited the use of lots in the community to residential use. The Court applied definitions of “residential” from prior holdings in the Michigan Supreme Court. Those definitions looked to the permanence in a residence, which is demonstrated by the occupant’s actions, including a continuity of being physically present in the residence and storing personal property within the residence. As noted by the Court, this use specifically excludes uses that are transitory in nature as “[t]here is no permanence, either physiologically or physically at that location.” The Court held that the weekly rentals did not establish the type of permanence needed to demonstrate residential use of the lot, and the use of the lot for short-term rentals was in fact a violation. Note, though, that this is an unpublished opinion that dealt specifically with a deed restriction, and not a municipal ordinance.

Confusion regarding how to define and regulate short-term rentals may be partly why the Michigan Legislature has considered statewide bills recently that would have brought some conformity to the issue. House and Senate bills from 2022, with identical language and backing from Republican legislators, would have allowed short-term rentals across the state as a permitted residential use in all residential zones without the need for a special use or conditional use permit. Under these bills, municipalities would have been allowed to regulate some of the effects of short-term rentals, such as traffic, noise and advertising, and would have been able to enforce ordinances for the protection of public health and safety, as long as they did not have the effect of prohibiting short-term rentals. These bills stalled in session and were not passed in 2022. To move forward, these bills must be reintroduced, something that has not happened thus far in 2023.

**Existing Regulations in Milford Township:**

The Township has enacted a residential rental ordinance. This ordinance regulates residential rentals generally and does not specifically differentiate between what may be considered a STR, as opposed to a longer term rental.

Additionally, Milford Township’s zoning ordinance does not specifically regulate or prohibit residential rentals, STRs or otherwise, either by definition or as an excluded use in residential districts. Therefore, there are no specific ordinance provisions in place to indicate that STRs are in fact non-residential commercial activity, and there are also no ordinances mandating that a property owner must occupy their STR as a principal residence.

Accordingly, it appears that existing STRs that are properly registered as rentals follow current Township regulations and are operating legally.

If STRs are to be banned or otherwise regulated within the Township, amendments to the existing residential rental ordinance (Chapter 6, Article IV) and the zoning ordinance will be necessary.

**Banning STRs:**

Banning STRs may be problematic with respect to current STRs, as such STRs may be considered existing non-conforming uses upon institution of a ban. As discussed above, the Township currently allows residential rentals and provides a procedure for their legal operation through its residential rental ordinance. This ordinance does not distinguish between the length of the rental periods, nor does it specify that a rental use is considered a commercial activity. Thus, current STRs are legal if properly registered, giving rise to a nonconforming use status.

Other communities have banned STRs, but in those cases the communities were able to establish that STRs were never permitted uses under their zoning ordinances. For example, in the case of *Reaume v Township of Spring Lake*, 328 Mich app 321, 937 NW2d 734 (2019), previously discussed above, the Court of Appeals found that, pursuant to the Township’s ordinance definition, the plaintiff’s use of her property rendered it a motel, rather than a dwelling, and as such was prohibited in residential zones. The subject ordinance defines a motel to include a “[b]uilding . . . containing sleeping . . . [u]nits which may or may not be independently accessible from the outside with garage or [p]arking [s]pace located on the [l]ot and . . . occupied by transient residents.”

The definition of “motel” in Spring Lake’s ordinance is very broad and is inconsistent with the common definition of a motel that appears in other ordinances. Specifically, Milford Township’s ordinance definitions for “motel” and “hotel” are markedly different than Spring Lake Township’s, so the *Reaume* case does not provide much justification for a ban that would be applicable to currently existing STR uses in the Township. The pertinent definitions in Milford’s ordinance are as follows:

*MOTEL means a series of attached, semidetached, detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided, with the exception of units for use of the manager and/or caretaker.*

*HOTEL means a building occupied or used as a, more or less, temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five sleeping rooms, and in which no provision is made for cooking in any individual room.*

Note that an argument could be made that STRs are “hotels” under the zoning ordinance definition as STRs are occupied as a “more or less, temporary abiding place of individuals”, but this would only apply to homes that have more than five bedrooms. As the use is the same regardless of the number of bedrooms in the various STRs existing in the Township, such an argument would be



easily challenged. Also, any argument that a STR rental is a hotel would only allow for regulation in cases where the rental has more than five bedrooms, something that could easily be addressed by an STR rental operator.

In fact, the ordinance definition that most closely relates to a STR is the definition for a bed and breakfast, which is a permitted use in the R-1 and R-2 Districts, and a special use in the R-1-R District.

*BED AND BREAKFAST OPERATIONS means a use which is subordinate to the principal use of a detached single-family dwelling as a single-family dwelling unit, and a use wherein transient guests are provided a sleeping room in return for payment and a breakfast at no extra cost. Such use is distinguished from a boardinghouse, roominghouse, hotel or motel.*

For additional reference related to treatment of existing STRs, in 2020, the Ann Arbor City Council passed an ordinance banning dedicated short-term rentals in residential neighborhoods. In 2021, amid possible legal challenges from affected short-term rental owners, City Council updated the previous ordinance to allow existing dedicated short-term rentals to continue operating, ie. legal non-conforming uses. Grand Haven Township also instituted an ordinance regulating STRs, but only allowing them in an overlay zone which is comprised of the STRs that were in existence prior to the enactment of the ordinance, ie allowing for continuation by those STRs already in operation prior to enacting the ordinance.

**Regulating STRs:**

The Township may enact regulations specific to STRs. As opposed to an outright ban, those regulations would apply to both existing and new STRs as necessary for the public health, safety and welfare.

# Lathrup Village Communications Plan

## Outline

1. Overview
  - Intro
  - Purpose
  - Audience
2. Purpose and Goals
  - Transparency
  - Consistency
  - Clarity on roles of people responsible for communications
    - Council
    - Staff
    - Residents
    - Business Owners
    - Media
    - ...
  - Clarity on expectations for responses to communications
    - Social Media
    - Emails
    - Voicemails and phone calls to the city
    - Written correspondence
    - ...
3. Policy on the creation of public information materials
  - City meeting agendas, agenda packets, and minutes
  - eNewsletter
    - What promotions are and are not eligible for inclusion
  - Event promotions
  - LVTV videos
    - Where are they posted? (YouTube, Facebook, etc.)
    - How the city decides which events are recorded and published
  - Press\News release and Public Service Announcements
    - Where are these published
      - Newspapers
      - TV
      - Online

- Banners outside city hall and on city lamp posts
- City Website and Mobile app
  - Items published on website
  - Notifications via website and mobile app
    - What is posted in notifications
    - Instructions for signing up to receive notifications
- ...
- 4. Policy for Requesting & Releasing Public Information Documents
  - FOIA
  - Publicly posted information
    - Meeting minutes
    - eNewsletter archives
    - ...
- 5. Media interview requests \ Press conferences policy
- 6. How to engage city staff \ council \ commissioners
  - Phone
  - Email
  - Text
  - Attend public meetings
  - Office hours
  - Visit to city desk \ police department
- 7. Social Media Policy, User Guidelines, & Codes of Conduct
  - What are the city's social media channels \ pages?
    - Facebook
    - YouTube
    - ...
  - Who is authorized to post messages from the city
  - Who is authorized to comment on the city's behalf
  - City Council, City Administrator guidelines for social media use
    - About city business
    - Personal use
- 8. Crisis communications plan
  - Power outages
  - Road closures
  - Police actions
  - Fire fighting
  - ...