

ORDINANCE NO. 2024-06

**CITY OF ROYAL OAK, OAKLAND
COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend the 2008 Ordinance Adopting the Royal Oak Code of Ordinances, codifying and adopting a new Code of the City of Royal Oak by amending Subsection A, "Section 104.8, Licenses and inspection, is hereby added to read as follows:" and Subsection B "Section 106.4, Violation penalties, is hereby amended to read as follows:" of Section 556-4, "Additional Amendments to Standards" of Chapter 556, "Property Maintenance", adopting by reference the "International Property Maintenance Code, 2006 Edition" of the Code of Ordinances, City of Royal Oak, Michigan, to provide for the registry and regulation of residential rentals in the city and to prescribe penalties and remedies for violations.

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. Amendments.

That Subsection A, "Section 104.8, Licenses and inspection, is hereby added to read as follows:" of Section 556-4, "Additional Amendments to Standards" of Chapter 556, "Property Maintenance", adopting by reference the "International Property Maintenance Code, 2006 Edition", of the Code of Ordinances, City of Royal Oak, Michigan, is hereby amended, to read as follows:

A. Sec. 104.8, Rental Property Registration, is hereby added to read as follows:

104.8 Rental Property Registration:

1. As used in this section:

- (a) "Carbon monoxide detector" means a device that detects carbon monoxide and alerts occupants via a distinct and audible signal that is either self-contained in the unit or activated via a system connection.
- (b) "Department" means the Michigan department of licensing and regulatory affairs, or its successor.
- (c) "Hotel condominium" means a group of condominium units or condominium projects rented by a common rental management company for transient rental that may include a reception or check-in desk.
- (d) "Owner" means the owner of a rental property located within the City of Royal Oak.
- (e) "Rental" means the rental of a single-family residence, a dwelling unit in a 1-to-4- family house, or any unit or group of units in a condominium unit.
- (f) "Responsible party" means a person who resides within 30 miles from the rental property who can respond to emergencies or other situations at the registered property who is responsible on behalf of the owner and subject to all legal

responsibilities for the registered property on behalf of the owner if the owner does not reside within 30 miles of the rental property.

- (g) "Short-term rental" means the rental of a single-family residence, a dwelling unit in a 1-to-4-family house, or any unit or group of units in a condominium unit for terms of not more than 30 consecutive days. Short-term rental does not include the rental of a hotel, motel, hotel condominium, home, or condominium unit that is located within a resort that offers amenities such as golf, a skiing restaurant facility, or group meeting accommodation.
 - (h) "Smoke detector" means a device, either battery operated or electrical, that detects visible or invisible particles of combustion.
2. No person, firm, or business entity shall rent, lease, offer for rent or lease, or allow any residential unit, dwelling or property to be occupied by a nonowner without first registering the property with the City.
 3. To register a rental property with the City, the owner shall provide a completed application that shall contain all of the following:
 - (a) Name and address of the owner of the residential rental property.
 - (b) Address of the rental and the number of units and buildings for which registration is sought, the type of units intended, the number of bedrooms in the dwelling unit and the size in square feet of each bedroom and any other pertinent property data that is included in the application.
 - (c) The number of off-street parking spaces provided for the dwelling unit, which shall be the same as the number advertised and listed in the rental agreement.
 - (d) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period, which will be the same as the maximum number advertised and maximum number listed in the rental agreement, not to exceed two occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy as established by the Michigan Residential Code.
 - (e) If a short-term rental, a copy of a certificate of insurance evidencing that the owner has \$1,000,000.00 or more liability insurance on the short-term rental property.
 - (f) Contact information for a responsible party on behalf of the owner who is a local agent for the rental property. For purposes of this Chapter, the responsible party shall reside within 30 miles from the rental property.
 - (g) A sworn attestation that the dwelling is equipped with all of the following functional equipment in compliance with the current code in effect for the dwelling:
 - (i) Carbon monoxide detector that may be battery-powered, plug-in with or without battery backup, wired into the property's AC power line with secondary battery backup, or connected to a system by means of a control panel.

(ii) Smoke detector.

(iii) One (1) Fire extinguisher per occupied floor of the dwelling.

- (h) If a short-term rental, a sworn attestation that the property owner or the responsible party will provide at least one copy of the City's Good Neighbor Policy with address section completed to the renters each time the dwelling unit is rented, trash pick-up locations and times, property boundaries, on-site parking spots, limitations on visitors, common areas available for use by guests, and a copy of the City noise and nuisance ordinances.
- (i) If a short-term rental, a copy of the current State of Michigan Certificate for short-term rentals, if required by the Michigan Department of licensing and regulatory affairs, or its successor.

4. All residential rentals in the City of Royal Oak shall:

- (a) Designate a responsible party who is responsible on behalf of the owner and subject to all legal responsibilities for the registered property on behalf of the owner and who shall reside within 30 miles from the rental property.
- (b) Post the street address of the property in two prominent locations within the residential dwelling to assist any occupants in directing emergency services to the location.
- (c) Not permit occupancy of the residential dwelling in excess of two occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy as established by the Michigan Residential Code.
- (d) Not permit occupancy of any attic or basement bedroom unless it has been constructed with recorded permits from the City and meets all of the requirements for occupancy under the Michigan Residential Code and Fire Code.
- (e) Possess a valid Certificate by the State of Michigan, for short-term rentals, if required by the Michigan Department of licensing and regulatory affairs, or its successor.
- (f) Maintain the exterior of the property as required by the city code of ordinances and the Property Maintenance Code including but not limited to, yard maintenance, snow removal, proper use of and placement of refuse containers.
- (g) Meet all of the requirements of Subsection 3 of this Ordinance.

5. A rental registration shall be in effect until the expiration date indicated on the registration unless revoked for cause by the City. Failure to secure or renew a registration in accordance with the provisions of this chapter or failure to pay such inspection fee is a violation of this chapter. A late charge of \$1 per day, per dwelling unit, shall be charged on all payments received after the due date, which is 30 days after the expiration of an existing registration or 30 days after meeting the conditions

that an initial registration is required. All fees and charges shall be paid by the owner. If the owner fails to pay the City as provided within 30 days of demand by the City, the City shall have a lien on the property for all unpaid fees and charges and may enforce such lien in the manner prescribed by state law for the enforcement of tax liens.

6. Any rental registration issued by the City under this chapter may be suspended by the Code Official for cause. The owner shall have the right to a hearing before the City Manager on any such action of the Code Official, provided a written request therefor is filed with the City Clerk within five days after receipt of said notice of such suspension. The City Manager shall, by written opinion, confirm such suspension or revoke or reinstate any such rental registration. A copy of the City Manager's written decision shall be forwarded to the City Commission. The action taken by the City Manager shall be final. Upon suspension or revocation of any registration, the fee therefor shall not be refunded. Except as otherwise specifically provided in this chapter, any owner who has had a rental registration revoked shall not be eligible to apply for a new registration for a period of one (1) year after such revocation.
7. The term "cause," as used in this chapter, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any registration granted under the provisions of this chapter, or upon any premises or facilities used in connection therewith, which act, omission or condition is:
 - (a) Fraudulent information in the application or sworn attestation under this Section.
 - (b) Unauthorized or beyond the scope of the registration granted.
 - (c) Forbidden by the provisions of this chapter, or any duly established law, rule or regulation of the City or State applicable to housing.
 - (d) A nuisance on the registered property. Three (3) or more issued violations of the State Law, City of Royal Oak Code of Ordinances or Zoning Ordinance occurring from the use or occupancy of a registered property within a registration period shall constitute a nuisance for purposes of suspension and/or revocation of the rental registration.
8. To safeguard the safety, health and welfare of the public, the Code Official or their representative is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing their duties under this Code.
9. Fees for each property for rental registration shall be set by resolution of the City Commission. Such fees shall reflect the cost of processing, inspection, supervision and other related costs of regulation. The fees shall not be prorated or refundable. The fees shall be paid into the City Treasury.

Subsection B "Section 106.4, Violation penalties, is hereby amended to read as follows: "of Section 556-4, "Additional Amendments to Standards" of Chapter 556, "Property Maintenance", adopting by reference the "International Property Maintenance Code, 2006 Edition" of the Code of Ordinances, City of Royal Oak, Michigan

Sec. 556-4B Section 106.4, Violation penalties, is hereby amended to read as follows:

106.4 Violations and penalties.

- (a) A person violating this chapter for the first time is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than \$200, plus costs.
- (b) A person violating this chapter for the second time is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than \$350, plus costs.
- (c) A person violating this chapter for the third time is guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or to both such fine and imprisonment in the discretion of the court and shall be deemed a nuisance per se and subject to revocation of the rental registration.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

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 in force when they were commenced.

SECTION 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days and between the hours of 8:00 a.m. and 12:00 p.m. on Fridays.

Michael Fournier, Mayor

Melanie Halas, City Clerk

Date Adopted: 04/22/2024
Date Published: 07/10/2024
Effective Date: 07/18/2024