

ORDINANCE NO. _____-25

CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF
LATHRUP VILLAGE CODE OF ORDINANCES AT
ARTICLE 18. BUSINESSES, BY ADDING A NEW ARTICLE
ARTICLE VII. SHORT-TERM RENTALS, TO PROVIDE FOR
THE LICENSING AND REGULATION OF SHORT-TERM
RENTALS IN THE CITY OF LATHRUP VILLAGE

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

PART I. TITLE.

This Ordinance shall be known as the “Short-Term Rental Ordinance”.

PART II. ORDINANCE AMENDMENT.

Chapter 18. Business, Article VII. Short-Term Rental, of the City of Lathrup Village Code of Ordinances is hereby added to read as follows in its entirety:

ARTICLE VII. SHORT-TERM RENTALS

Sec. 18-400. PURPOSE.

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

Sec. 18-401. APPLICABILITY.

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

Sec. 18-402. DEFINITIONS.

Unless otherwise specified herein, the terms used in this article shall be defined as follows:

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 7 feet, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms, or living rooms.

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 City of Lathrup Village. For the purpose of this Article, a Building Official designee may include a professional entity or person which is in the business of performing building inspections.

Maximum Occupancy. The maximum number of allowable occupants and the guests of those occupants for a short-term rental, as established in Section 18-417 of this Article.

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.

Occupant. An occupant or renter of a short-term rental pursuant to a rental agreement. The term "occupant" as used herein does not include guests of the occupant or renter who are visiting outside quiet hours.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short-Term Rental.

Parking space. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

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.

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.

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 within 20 miles of the property 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.

Short-Term Rental or STR. A residential dwelling unit, or portions thereof, that is available and licensed 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 and is not a bed and breakfast, hotel, motel, or public lodging house.

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.

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.

Special Events. 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.

Sec 18-403. LICENSE REQUIRED.

An owner of any dwelling located within the City of Latrup Village shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 days at a time, unless the owner has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this Article.

Sec 18-404. APPLICATION FOR SHORT TERM RENTAL LICENSE.

A. It shall be the responsibility of the owner of a short-term rental to apply for a license through the submission of a short-term rental license application.

B. 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 Building Official and shall include at least the following required information prior to receipt of a Short-Term Rental License or license renewal.

- (a) The address of the short-term structure or unit(s);
- (b) The names and addresses of all owners of the STR structure or unit(s);

- (c) The name, address and telephone number of the person authorized to collect rental fees from the individuals occupying the STR structure or unit(s);
- (d) The name, local address and telephone number of the responsible local agent, who shall be available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a STR;
- (e) The number of STR 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;
- (g) Proof of homeowner's and/or liability insurance, in a form acceptable to the City, for limits acceptable to the City.
- (h) A fully completed and signed Short-Term Rental License Application form provided by the City including all the required supplemental documents; and
- (i) 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.

Sec. 18-405. EXISTING SHORT-TERM RENTAL LICENSING.

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

[Note that a three year term (as opposed to one year) may be more appropriate for easier administration of the ordinance and performance of the inspections, especially considering the building official's concerns regarding the ability to perform the current number of business inspections annually.]

Sec. 18-406. CHANGE IN LICENSE INFORMATION.

The property owner of a short-term rental structure or unit licensed with the City shall renew within 60 days after any change occurs in license information, with the exception that any change of responsible local agent shall be reported to the City within two days of such

change. A new owner of a licensed STR structure or unit shall renew the STR structure or unit license as provided in this Article. Renewal license fees shall not apply.

Sec. 18-407. LICENSE RENEWAL.

A property owner shall renew their license every three years, prior to the expiration of any existing license. At least 30 days prior to the expiration of any license, the City shall notify the registered owner to renew the short-term rental structure or unit license and to arrange for an inspection if necessary. The property owner shall be responsible for renewing a STR structure or unit license and arranging an inspection prior to the license expiration date. When a STR structure or unit license is renewed in accordance with this Article, it shall have a three year expiration date with the same month and day as shown on the previous license, regardless of the date that the new license is actually issued.

Sec. 18-408. INACCURATE OR INCOMPLETE LICENSE INFORMATION.

It shall be a violation of this Article for a property owner or a responsible local agent to provide inaccurate information for the licensing of STR structures or units or to fail to provide information required by the City for such licensing. 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.

Sec. 18-409. REVOCATION

The City Building Official, Code Enforcement Officer, City Fire Officials or City Police Officers may issue a citation or notice for the violation of any provision of the Lathrup Village Code of Ordinances. Failure to comply with such citation or notice and correct any violation within 60 days of issuance may result in the revocation of a STR license.

Sec. 18-410. APPEAL OF DENIAL OF LICENSE OR REVOCATION.

Any property owner whose short-term rental structure or unit license has been denied or revoked may file an appeal to the City of Lathrup Village City Council.

- (a) Upon revocation of any license, 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 City of Lathrup Village City Council, 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 Article;
- (b) When a short-term rental structure or unit is found to be in violation of the provisions of the ordinances adopted by the City, but determined to be

habitable, a vacation order shall not be entered; but the license shall be deemed expired and the STR structure or unit shall be in violation of the terms of this Article.

Sec. 18-411. BASIS FOR INSPECTIONS.

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

- (a) A complaint received by the City indicating that there is a violation of the standards or provisions of the ordinances adopted by the City. Such a complaint shall be supported by documentation, photographs or other evidence of the alleged violation.
- (b) An observation by the City of a violation of the standards or the provisions of the ordinances adopted by the City.
- (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 City.
- (e) An emergency observed or reasonably believed to exist.
- (f) A request for an inspection by the property owner.
- (g) Requirements of law where a short-term rental structure or unit is to be demolished by the City or where ownership is to be transferred to the City.

Sec. 18-412. 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 Building Official.

Sec. 18-413. 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 City'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.

Sec. 18-414. INSPECTION CRITERIA.

- (a) The City shall utilize the "International Property Maintenance Code" and other applicable ordinance requirements adopted by the City Council for the City of Lathrup Village, 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 City of Lathrup Village City Council.

Sec. 18-415. REINSPECTION.

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

Sec. 18-416 . SHORT TERM RENTAL STANDARDS AND REGULATIONS.

All Short-Term Rentals must meet the following standards:

- (a) Only one (1) dwelling unit per parcel shall be leased, subleased, rented or subrented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- (b) The City of Lathrup Village will limit the number of Short-Term Rental Licenses to (X) per calendar year. There are no restrictions on the number of units operated by a single individual.
- (c) Local Contact Person:
 - a. Each owner of a short-term rental must designate responsible local agent who has access and authority to assume management of the unit and take remedial measures.
 - b. The owner or responsible local agent of the short-term rental shall be always available by telephone and must be physically located within 20-miles of the property in the event of an emergency or issue that requires immediate attention. This information shall be updated by the license holder immediately if it changes.
 - c. The City will provide the phone number of the responsible local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
- (d) This ordinance only applies to all Zoning Districts that allow for single family dwellings, duplex dwelling units, or multiple-family dwellings.
- (e) 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.
- (f) Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles with no overflow that will be attractive to vermin, and the property should be inspected weekly to ensure the property will be free from rubbish.
- (g) Pets shall be secured on the property or on a leash at all times. Occupants and guests shall abide by the regulations contained in the City of Lathrup Village Code of Ordinances related to household pets and animals.
- (h) Fireworks are not allowed on STR property except in accordance with Sec. 46-82 of the City of Lathrup Village Code of Ordinances.
- (i) 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 the house.

- (j) The occupancy for all short-term rentals shall be no more than two (2) occupants per bedroom excluding children under the age of 5 with a maximum occupancy, including children under the age of 5, of 10 occupants. At no time shall additional individuals be allowed to sleep outside of the dwelling unit or in any basement or attic area that does not have legally compliant ingress and egress.
- (k) Guests up to the number equal to the capacity limit of the short-term rental may be allowed only during non-quiet hours listed below.
- (l) Short-term rentals shall observe quiet hours between 10:00 pm and 8:00 am Sunday through Thursday and between 11:00 pm and 8:00 am 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.
- (m) Special events, as defined by this Article, shall not be allowed.
- (n) The Short-Term Rental Unit shall be subject to the City's sign ordinance.
- (o) Occupants of Short-Term Rental Units are subject to all City codes and ordinances regulating the use of residential property.
- (p) The owner shall require these standards be met by occupants and shall be included as part of all rental agreements.

Sec. 18-418. OWNER RESPONSIBILITIES.

- (a) The owner must obtain a license prior to advertising the property as a short-term rental. Current license holders may advertise for the future licensing cycle but this shall not obligate the City to issue a license.
- (b) New licenses may be issued throughout the calendar year if licenses are available.
- (c) A short-term rental license is a privilege, not a property right, and is only held pursuant to and subject to the requirements of this Article.
- (d) The owner must ensure all required standards are met and must post in the short-term rental unit the standards and regulations contained in Sec. 18-417 of this Article.

- (e) The owner must use best efforts to assure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Article or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local contact person act as a peace officer or place himself or herself in harm's way.

Sec. 18-419. DENSITY LIMITATIONS

Residential Short-Term Rental Units shall be permitted in all residential zoned districts as identified on City of Lathrup Village Zoning Map. In order to preserve the essential character of residential zoned districts in the City, Non-Residential Short-Term Rental Units shall be radius limited to no more than one (1) per 1,000 foot of another licensed STR in residential zoned districts in the City. Non-Residential Short Term Rental Units in existence as of the effective date of this ordinance and where such Non-Residential Short Term Rental Units obtain a license from the City within ninety (90) days of the effective date of this ordinance shall be considered in existence for the purposes of deriving non-conforming rights to remain as Non-Residential Short-Term Rental Units notwithstanding the density provision of this section to the extent such Non-Residential Short Term Rental Units remain licensed with the City.

Sec. 18-420. ENFORCEMENT.

The City Building Official, Code Enforcement Officer, City Fire Officials and City Police Officers are authorized to enforce the provisions of this Article.

Sec. 18-421 ADMINISTRATIVE LIABILITY.

Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent, official or employee of the City of Lathrup Village charged with the enforcement of this Article 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 Article.

Sec. 18-422. 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 Article. 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.

Sec. 18-423. VIOLATION AND ADMINISTRATIVE PENALTIES.

(a) Any of the following conduct is a violation of the Short-Term Rental ordinance:

1. Any advertising or leasing of a short-term rental without first having obtained a short-term rental license.
2. The license holder has failed to comply with the standard conditions specified in the Short-Term Rental Standards section of this Article.
3. The license holder has failed to comply with any of the provisions within this Article, specifically Sec. 18-418: Owner Responsibilities.
4. The license holder has violated any of the provisions of this Article.
5. Any false or misleading information supplied in the application process.

(b) In addition to the penalties set forth in Sec. 18-409 of this Article, the penalties for violations specified in subsection (a) above 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 (\$250) dollars nor more than five hundred (\$500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction.
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, and the license shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a license.
4. If there are one or more violations each year during any three (3) consecutive year period, the license may be revoked. An owner may appeal a decision to revoke a permit to the Lathrup Village City Council.

5. The Building Inspector and other officials designated by the City Council are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.

6. Each day the violation remains may be a separate offense.

(c) A violation of this Article shall be a nuisance per se. The City shall have the right to commence a civil action to enforce compliance with this Article.

**PART III.
REPEALER.**

This ordinance repeals any ordinances in conflict thereof.

**PART IV.
SEVERABILITY.**

If any section, subsection, clause, phrase, or portion of this article is for any reason held invalid by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision, and such holding shall not affect the validity of the remaining portions.

PART V. 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 where they commenced.

PART VI. EFFECTIVE DATE.

This Ordinance shall be published in the manner required by law and shall become effective ten (10) days after the date of its publication. A copy of the ordinance shall also be made available for public use and inspection in the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS ____ DAY OF _____, 2025.

Alisa Emanuel, City Clerk

Date of Introduction: _____, 2025
Date of Adoption: _____, 2025
Date of Publication of _____

Notice of Adoption: _____, 2025

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the _____ day of _____, 2025.

Alisa Emanuel, City Clerk

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