

**VILLAGE COUNCIL**  
**VILLAGE OF MACKINAW CITY**  
Cheboygan and Emmet Counties, Michigan

Trustee R. Glenn supported by Trustee T. Chastain, moved the adoption of the following Ordinance:

**ORDINANCE NO. 163**

**AN ORDINANCE TO ADD SECTIONS 51.001 THROUGH 51.010 TO THE  
COMPILED CODE OF THE VILLAGE OF MACKINAW CITY TO PROVIDE  
FOR THE REGISTRATION AND INSPECTION OF RENTAL PROPERTIES**

The Village of Mackinaw City Ordains:

Section 1. Amendment. Part 51, Sections 51.001 through 51.010, are added to the Compiled Code of the Village of Mackinaw City to read as follows:

**Part 51. Rental Dwelling Registration and Inspection**

Sec. 51.001. Purpose.

The Village Council has determined that the renting of residential dwellings may create unsafe conditions for tenants through substandard dwellings and premises and may create detrimental effects on Village neighborhoods through increased density, congestion, noise, increased traffic levels, increased trash and refuse, increased police attention, a reduction in affordable housing stock, and the loss of vehicle parking spaces. Additionally, the Village Council has determined that the rental of dwellings on a short-term basis tends to create commercial activity in residential areas which undermines the residential character of existing neighborhoods. Accordingly, this ordinance is enacted to promote safer housing in the Village by requiring the registration and inspection of residential rental dwellings, and to preserve the attractiveness, desirability, and privacy of residential neighborhoods by prohibiting the rental of dwellings on a short-term basis in certain residential zoning districts.

Sec. 51.002. Definitions.

(a) The following definitions shall apply to this ordinance:

- (1) *Code enforcement official* means the official charged with the administration and enforcement of this ordinance, or his or her duly authorized representative.
- (2) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking or eating.
- (3) *Local agent* means an individual, fiduciary, partnership, association, corporation or other entity, residing or located within 60 miles of the Village, who represents the owner of a rental dwelling during periods of occupation by a tenant(s) or an occupant(s) for purposes of this ordinance.
- (4) *Owner* means an individual, fiduciary, partnership, association, corporation or other entity holding legal or equitable title in a rental dwelling.
- (5) *Rental dwelling* or *rental property* means any structure, residential dwelling or dwelling unit which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which person(s) is not acquiring an ownership interest in the structure or dwelling. This shall include one-family, two-family and multiple family dwellings, employee housing, boarding or rooming houses. It does not include short term rentals, hotels, motels, bed-and-breakfasts or dwellings that are occupied only by members of the owner's immediate family (for purposes of this ordinance, immediate family shall mean the owner's spouse, parents and

grandparents, children and grandchildren, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law).

(5) *Short term rental* means any residential dwelling or unit providing transient accommodations for periods of less than 30 days.

(6) *Tenant* means any person, other than an owner, occupying all or part of a rental dwelling, not including a short-term rental, including an assignee or sublessee.

Sec. 51.003. General prohibition; registration of rental dwellings.

(a) *General prohibition:* Short term rentals are prohibited in the R1, R2 and R3 zoning districts under the Village zoning ordinance.

(b) *Registration required:* All owners of rental dwellings shall annually register the rental property with the Village on an application in a form provided by the Village Clerk. At the time an application is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full.

(c) *Annual registration:* The annual registration date shall be January 1 of each year.

(d) *Registration of new rental dwellings:* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy. If indicated in the resolution establishing the registration fee, the fee may be pro-rated for a registration of less than one year. Otherwise the established fee shall be due.

(e) *Change in registration information:* The owner of a rental dwelling(s) already registered with the Village shall re-register within 30 days after any change occurs in registration information. At the time, an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full.

(f) *New ownership of registered rental dwelling:* A new owner of a registered rental dwelling shall re-register the dwelling within 30 days of assuming ownership. At the time, an application to re-register is filed, a registration fee in an amount established from time to time by resolution of the Village Council shall be paid in full.

(g) *Registration of rental dwellings:* Application for registration or re-registration shall be made in accordance with such instructions as may be provided with the registration application which shall include:

(1) The address of the rental dwelling.

(2) The number of rental dwelling units.

(3) The name, residence address, business address, business phone number, and personal phone number of the owner and/or the local agent, if applicable.

(4) The address where the owner and/or the local agent, if applicable, will accept notices or orders from the Village.

(5) Verification that all state and Village taxes levied and assessed against the rental dwelling that are due and payable at the time of the filing of the application have been paid. Delinquencies on such taxes may result in the denial of an application for registration or re-registration under this section.

(6) A diagram or sketch of the floor plan of the rental dwelling sufficiently detailed to identify the square footage of living rooms, dining rooms, bedrooms and other habitable areas.

(7) The number of off-street parking spaces.

(8) Verification that the owner and/or local agent, if applicable, will permit and arrange for inspection of the rental dwelling as required by this ordinance.

(h) *Inaccurate or incomplete registration information:* It shall be a violation of this ordinance for an owner to provide inaccurate information for the registration or re-registration of rental dwellings or to fail to provide information required by the application.

(i) *Designation of local agent:* If the owner of a rental dwelling, or a responsible member or officer of the owner, does not reside within 60 miles of the Village, during periods of occupation by a

tenant(s) or an occupant(s), the owner shall designate a responsible local agent (residing within either Emmet, Cheboygan or Mackinac County, MI) who shall be legally responsible for operating such rental dwelling in compliance with this ordinance, this code of ordinances, and other applicable laws or regulations. All official notices 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.

(j) *More than one owner or ownership by entity*: Where more than one person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required for registration shall be provided for the organization owning the rental dwelling and for the president, general manager, director(s), partner(s), member(s), executor, trustee(s), or other chief executive officer(s) of the organization.

#### Sec. 51.004. Certification of rental dwellings required.

Rental dwellings shall not be occupied without a valid certificate of compliance or a valid temporary certificate of compliance.

(a) *Issuance of certificate of compliance*: The Village shall issue a certificate of compliance for a rental dwelling registered pursuant to section 51.003 above when, following an inspection, it is determined that the rental dwelling complies with the requirements of section 51.006 below.

(b) *Temporary certification authorized*: The Village may issue a temporary certificate of compliance upon submission by the owner, or if one is required, the local agent, of a completed Village-designated checklist in compliance with section 51.007 below, for a rental dwelling registered pursuant to section 51.003 above, based upon one or more of the following reasons:

- (1) For a newly registered rental dwelling until such time as the Village is able to make a compliance inspection.
- (2) To enable the Village to balance its compliance inspection workload.
- (3) To coincide with compliance time periods set forth in a notice citing violations of this code of ordinances if such periods extend beyond the expiration date of a certificate.
- (4) If, after an inspection, the Village determines that deficiencies or violations found do not render the rental dwelling uninhabitable.

(c) *Validity of certificate of compliance*: A certificate of compliance shall be valid for two years for all rental dwellings, unless suspended or revoked as set forth below. The code enforcement official may authorize up to one additional year on the certificate of a rental dwelling for the sole purpose of balancing the inspection workload of the Village.

(d) *Validity of temporary certificate of compliance*: A temporary certificate of compliance shall be valid until such time as an inspection or re-inspection of the rental dwelling may be conducted and a certificate of compliance is issued pursuant to subsection (a) above.

(e) *Expiration of certificate of compliance*: Certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsection (c) above.

(f) *Revocation*: A certificate of compliance and/or a temporary certificate of compliance may be revoked subsequent to its issuance by the code enforcement official upon findings that a rental dwelling fails to comply with this ordinance and/or for repeated violations of this code of ordinances or other applicable laws and regulations.

(g) *Appeal*: Any person aggrieved by certificate revocation under subsection (f) above may appeal such action to the Village Council in the same manner that a violation of the Village housing code may be appealed. Enforcement of such revocation shall be stayed while the appeal is pending before the Village Council.

(h) *Transfer prohibited*: No certificate issued under this ordinance shall be transferred without the written consent of the code enforcement official.

#### Sec. 51.005. Violations.

(a) *Municipal civil infraction*: Any violation of this ordinance shall be a municipal civil infraction punishable by a fine in an amount set from time to time by resolution of the Village Council. Each

violation shall be separate for purposes of penalties, and in the case of a continuing violation, each day shall be deemed a separate violation.

(b) *Additional penalty*: In addition to the penalties provided in subsection (a) above, any owner, local agent, tenant or occupant may be cited for other acts or omissions that violate this code of ordinances or state law.

Sec. 51.006. Inspections.

(a) *Compliance inspection*: Before issuing a certificate of compliance, the code enforcement official shall inspect all rental dwellings in order to determine whether they are in compliance with the Village housing code and this ordinance, and other applicable laws and regulations. Inspection fees, in amounts established from time to time by resolution of the Village Council, shall be imposed for each inspection required under this ordinance.

(b) *Scheduling of inspections*: Upon written notice from the Village, it shall be the owner's responsibility to schedule and allow the inspection of the rental dwelling. When an inspection is required for the renewal of an existing certificate, the owner shall schedule and permit that inspection prior to the expiration of that certificate, except as otherwise permitted within section 51.004 above. Unless the code enforcement official agrees to other arrangements, inspections shall occur during the Village's regular business hours and all fees owed under this ordinance shall be paid prior to inspection.

(c) *Deficiencies or violations*: If an inspection reveals that the rental dwelling is not in compliance with the Village housing code and this ordinance, or other applicable laws or regulations, the owner shall be provided a written list of deficiencies or violations that must be corrected before a certificate is issued. If the code enforcement official determines that the deficiencies or violations do not render the rental unit uninhabitable, the Village may issue a temporary certificate of compliance for that rental dwelling.

(d) *Required inspections*: Every rental dwelling shall be inspected at least once every two years.

(e) *Additional inspections*: Between required inspections under subsection (d) above, the code enforcement official may conduct additional inspections in the manner best calculated to secure compliance with this ordinance and this code of ordinances upon one or more of the following bases:

(1) *An area basis*: All the required rental dwellings in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(2) *A complaint basis*: Complaints of violations of this code of ordinances, this ordinance, or other applicable laws or regulations will be inspected within a reasonable time.

(3) *A violation basis*: If the Village has reasonable cause to believe a rental dwelling is in violation of Village ordinance or applicable law or regulation, the rental dwelling will be inspected within a reasonable time.

(4) *A recurrent violation basis*: Rental dwellings that are found to have a high incidence of recurrent or uncorrected violations may be inspected more frequently.

(5) *A percentage basis*: The code enforcement official may establish a percentage of units in a multiple unit rental dwelling to be inspected in a short period of time.

(f) *Certificate issuance*: The issuance of a certificate of compliance and/or the issuance of a temporary certificate of compliance pursuant to section 51.004 above shall not be deemed to waive owner liability relating to a rental dwelling.

Sec. 51.007. Record keeping.

(a) *Tenant acknowledgment*: Each tenant of a rental dwelling shall sign a document acknowledging the occupancy limitations and Village regulations applicable to the rental property, which document shall be maintained by the owner or, if one is required, the local agent for inspection and copying by the Village.

(b) *Checklist*: Prior to the issuance of a temporary certificate of compliance pursuant to section 51.004 above, and at least once per year during periods of occupation by a tenant(s) or an occupant(s), the owner or, if one is required, the local agent shall inspect the rental dwelling using a Village-designated checklist to ensure that all smoke detectors, lights, doors, locks, windows, screens, plumbing, appliances, heating, ventilation and air conditioning units, railings, and ceiling fans are in a safe and working condition. The owner or, if one is required, the local agent shall sign and date each checklist and shall submit a copy to the code enforcement official and shall maintain a copy as required by this section.

(c) *Record maintenance*: The owner or, if one is required, the local agent shall maintain such documents and any other records required under this ordinance for at least two years. An owner or local agent shall convey such documents to any successor owner or local agent.

(d) *Display of certificate*: Each rental dwelling shall display a full-size copy of the certificate of compliance or the temporary certificate of compliance in a prominent location inside the rental property.

(e) *Placard*: A weather-resistant placard with lettering in a minimum of 20-point font, which states applicable occupancy limitations, emergency service contact information including a 24-hour phone number at which the owner and/or the local agent, if applicable, can be reached, the address of the rental dwelling and a fire escape plan shall be prominently located upon the exterior of the rental dwelling so as to be accessible from the public rights-of-way.

Sec. 51.008. Dwelling requirements.

(a) *Parking*: Each rental dwelling shall maintain a minimum number of off-street parking spaces as required by the Village zoning ordinance and as established at the registration of the rental dwelling. The minimum number of off-street parking spaces shall in part be based upon rental dwelling occupancy limitations as determined by the code enforcement official.

(b) *Roadway access*: Each rental dwelling shall have independent access to the adjacent roadway which shall not include shared-driveway access. The requirements of this subsection may be waived upon written consent of all property owners utilizing a shared-driveway. Such written consent shall contain a statement recognizing that the waiver of the requirements of this subsection is contingent upon continued cooperative use of the shared-driveway and that the waiver may be revoked by the code enforcement official for repeated complaints of shared-driveway blockage and/or other abuses.

(c) *Noise*: The owner or, if one is required, the local agent shall take reasonable measures to address noise and to prevent violations of the noise regulations provided within this code of ordinances. Repeated violations of such noise regulations may result in revocation of a certificate of compliance and/or a temporary certificate of compliance issued under this ordinance.

(d) *Occupancy limitations*: Rental dwellings shall not be occupied by more tenants or occupants than permitted by the following minimum area requirements as determined by the code enforcement official:

Space	1-2 tenants/occupants	3-5 tenants/occupants	6 or more tenants/occupants
Living room	Efficiency unit; no requirements	min. 120 sq ft	min. 150 sq ft
Dining room	Efficiency unit; no requirements	min. 80 sq ft	min. 100 sq ft
Bedrooms	Every bedroom occupied by (1) one person shall contain a minimum of 100 sq ft of floor area, and every	Every bedroom occupied by (1) one person shall contain a minimum of 100 sq ft of floor area, and every	Every bedroom occupied by (1) one person shall contain a minimum of 100 sq ft of floor area, and

	bedroom occupied by more than one person shall contain at least 50 sq ft of floor space for each occupant thereof.	bedroom occupied by more than one person shall contain at least 50 sq ft of floor space for each occupant thereof.	every bedroom occupied by more than one person shall contain at least 50 sq ft of floor space for each occupant thereof.
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(e) *Exterior requirements:* Each rental dwelling may be subject to buffering, screening and lighting requirements as required by applicable Village ordinance.

(f) *Signs:* Signage for rental dwellings shall comply with the Village zoning ordinance, as it may from time to time be amended.

(g) *Advertisement:* The owner or, if one is required, the local agent of each rental dwelling shall not advertise or permit an occupancy load that is greater than the maximum occupancy load limit permitted by Village ordinance or other applicable law or regulation.

Sec. 51.009. Conflicts.

In the event that the provisions of this ordinance conflict with any other provision within this code of ordinances, the provision that is more restrictive shall apply.

Sec. 51.010. Exemption.

Multiple family residential dwelling units participating in the United States Department of Housing and Urban Development's Section 8, Section 236, Housing program shall be exempt from the requirements of this ordinance if inspected by state or federal authorities pursuant to such program. The owner of such dwelling shall be required to provide proof of current participation in this federal program to the code enforcement official to be exempt from the requirements of this ordinance.

Sec. 2. Effective Date. This ordinance shall take effect 20 days after its adoption or upon publication, whichever occurs later.

Yeas: Pres. R/ Heilman, Trustees R. Glenn, T. Chastain, P. Michalak, B. Mollen, S. Newman and M. Rodriguez

Nays: None

Abstain: None

Absent: None

Ordinance declared adopted.

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Robert Heilman, Village President

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Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on September 07, 2017 with notice provided as required by law.

September 07, 2017

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Lana Jaggi, Clerk