

18.030

RENTAL HOUSING ORDINANCE

An ordinance to regulate rental properties in the City of Gaylord; to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, and management of rental housing in the City of Gaylord, Michigan; to provide for the issuance of licenses and the collection of fees; and to provide penalties for the violation of said ordinance.

THE CITY OF GAYLORD ORDAINS:

18.031 SECTION 1: TITLE

This ordinance shall be known and cited as the City of Gaylord Rental Housing Ordinance.

18.032 SECTION 2: DEFINITIONS

Rental property: A parcel of real property containing one or more non-owner-occupied dwelling units that:

(1) are let or occupied by persons, including a family member of the owner, pursuant to an oral or written rental contract, or lease, or other oral or written agreement or understanding for occupation, with or without monetary compensation; or

(2) will be offered for occupancy under an oral or written rental contract or lease, or other oral or written agreement or understanding for occupation, with or without monetary compensation to any person; or

(3) is or are contained within a building with two or more dwelling units that are not occupied by the owner; or

(4) has or have been advertised to the public for rent.

Dwelling or dwelling unit:

A single unit providing complete, independent living facilities occupied, or intended to be occupied, in whole or in part, by one or more persons, including permanent space and provisions for living, cooking, eating, sanitation, and sleeping, such as a single-family house, multi-family home, apartment, or units in a condominium. A dwelling unit excludes a hotel, motel, bed and breakfast, or boarding house as defined in the City of Gaylord Zoning Ordinance.

Short-term rental:

The rental of a rental property for a term of not more than 30 consecutive days.

18.033 SECTION 3: REGISTRATION REQUIRED

No person shall operate or attempt to operate a rental property in the City of Gaylord without first obtaining a license authorizing the operation from the City Clerk.

18.034 SECTION 4: LICENSE APPLICATION AND ISSUANCE

1. An application for a license shall be made in writing to the City Clerk, under oath, on forms provided by the City. Attachments, supporting documentation and supplemental submissions shall be considered part of the application.
2. The application shall contain all the following information:
 - a. A nonrefundable fee in an amount set periodically by the City Council to defray the administrative costs of reviewing the application and enforcing this ordinance.
 - b. The physical address of the dwelling units, along with other identification if more than one dwelling unit has the same street address.
 - c. The name, address, and telephone number of the rental property owner.
 - d. The name, address, and telephone number of any local agent responsible for the rental property, with information on how to contact the agent in the event of a complaint or emergency involving the rental property.
 - e. The maximum occupancy and number of bedrooms in each dwelling unit.
 - f. The number of days the rental property is expected to be available for rental each year.
 - g. Whether the rental property will be operated as a short-term rental.
 - h. A signed statement by an owner of the rental property that it will be operated in full compliance with all state and local law.
3. If the application contains any deficiency, the City Clerk shall notify the applicant by first class mail, and the applicant shall have ten business days from the date of mailing to correct all deficiencies.
4. Upon receipt of a complete application meeting the requirements of this section, the City Clerk shall transmit a copy of the application to the City Zoning Administrator for review.
5. A license shall be issued upon determination by the Zoning Administrator that the applicant meets all requirement under this ordinance, including any limit on the number of short-term rentals in the City.

18.035 SECTION 5: REGULATIONS

A rental property in the City of Gaylord shall comply with all the following:

1. *Compliance with Ordinances.* Each dwelling unit on a rental property must meet all applicable state and local building codes and comply with all City ordinances, including the City of Gaylord Zoning Ordinance.
2. *Contact Information.* The name and contact information for the local agent must be provided to the tenant at or prior to the time of occupancy.
3. *Nuisance and Blight.* The rental property shall be maintained in full compliance with all applicable blight and nuisance ordinances, and, for those located in a residential district, shall be operated such that it does not disturb the quiet, comfort, or repose of a reasonable person of normal sensitivities from any adjacent property line.
4. *Fireworks.* Fireworks for any kind are prohibited except in accordance with the City's fireworks ordinance.
5. *Parking.* Occupants of the rental property shall be provided adequate parking space on private property. Interference with travel on City streets is prohibited.
6. *Current Information.* The rental property owner must promptly notify the City Clerk of any change in the information contained in the license application, including any change in ownership or contract information for the local agent.

18.036 SECTION 6: LOCAL AGENT

Every rental property in the City of Gaylord must designate an individual as its local agent, and a rental property owner must promptly notify the City Clerk of any change of the designation. The local agent must reside within 50 miles of the rental property. An owner of the rental property may be the designated local agent.

18.037 SECTION 7: SHORT TERM RENTALS

1. A rental property may be used as a short-term rental in the City, subject to the terms of this Section.
2. City Council may, by resolution, limit the number of dwelling units used for short-term rentals in the City. The ratio of the short-term rental limit to all dwelling units shall not be less than any minimal ratio required under state law.

3. An application to use a rental property as a short-term rental shall be denied if operation of the short-term rental would exceed the limit established by City Council.
4. A short-term rental is a residential use, not a commercial use, of rental property and may be located anywhere a dwelling or dwelling unit is allowed under the City of Gaylord Zoning Ordinance.

18.038 SECTION 8: LICENSE RENEWAL

1. The term of a license shall be five years from the date of issuance.
2. A renewal application shall be made in writing to the City Clerk at least thirty (30) days prior to the expiration of an existing license, containing the fee and other information required for the initial issuance of a license.
3. The process for approving or disapproving a renewal application shall be the same as the process for the initial application.

18.039 SECTION 9: DENIAL, REVOCATION, AND APPEAL

1. A license application shall be denied if it does not meet the requirements of this ordinance.
2. If an application is denied, the basis for denial shall be stated on the application. The City Clerk shall then notify the applicant by first class mail of the denial, all reasons for the denial, and that no license shall be issued unless all reasons for disapproval are cured within ten business days from the date of the notice.
3. An applicant may amend an application within ten business days after the City Clerk mails a notice of disapproval. An amended application may include additional supplemental material. Upon timely receipt of an amended application, the City Clerk shall resubmit the application for any additional evaluation by the City Zoning Administrator. If the amended application is again disapproved on the same basis, no further amendments will be considered.
4. A license issued under this ordinance may be revoked by the City Zoning Administrator or the Administrator's designee, for any of the following:
 - a. Violation of any provision of this ordinance.
 - b. A fraud, misrepresentation, or false statement contained in the application, or its accompanying documents, statements, certificates or permits, filed to obtain the license, regardless of when it is discovered.
5. Prior to revocation, the City Zoning Administrator, or the Administrator's designee, shall cause a Notice of Violation to be sent to the rental property owner and occupants

by first class mail, at the addresses provided. The notice shall state the basis for the violation and demand the violation be remedied within ten business days.

6. A rental property that has had a license revoked for violation of this ordinance shall not have a subsequent license granted, except that the City Council may, in its sole discretion, approve a subsequent license after an appeal as set forth in this ordinance.
7. Any person subject to a denial or revocation under this ordinance may appeal the denial or revocation to the City Council. The appeal must be requested in writing, stating the grounds for the appeal, within thirty (30) days of the date of the denial or revocation. The City Council, upon hearing the appeal, may uphold the denial or revocation, order the license to be issued or reissued, or modify the license with specific conditions. The City Council's determination is final and not subject to judicial review.

18.040 SECTION 10: PENALTIES

In addition to any other penalty set forth in this ordinance, any person in violation of any provision of this ordinance, or any provision of a license issued under this ordinance, is responsible for a municipal civil infraction.

18.041 SECTION 11: SEVERABILITY

This ordinance and various parts, sections, and clauses, are severable. If any sections or clauses are adjudged invalid, the remainder of this ordinance shall not be affected.

18.042 SECTION 12: EFFECTIVE DATE

This ordinance will take effect on May 16, 2023.