

CITY OF BUCHANAN
COUNTY OF BERRIEN, STATE OF MICHIGAN
ORDINANCE 2025.03/441

THE CITY OF BUCHANAN ORDAINS THAT CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, DWELLING UNIT REGISTRATION- GENERALLY of the City of Buchanan Code of Ordinance is hereby amended by adding the following:

ORDINANCE 2025.03/441

Sec. 14-312. - Registration of rental dwellings required.

All owners of rental dwellings shall register the dwelling with the city on an application in a form provided by the city. At the time an application is filed a registration fee in an amount established from time to time by resolution of the city commission shall be paid in full.

(1) *Annual registration.* The annual registration date shall be July 1 of each year and all fees required by this Ordinance shall be paid on or before August 15 of each year.

(2) *Registry 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 prorated for a registration of less than one year. Otherwise, the established fee shall be due.

(3) *Change in register information.* The owner of a rental dwelling(s) already registered with the city shall reregister within sixty (60) days after any change occurs in registration information. A new owner of a registered dwelling shall re-register the dwelling within sixty (60) days of assuming ownership.

(4) *Register of rental dwellings.* Application for registration shall be made in accordance with such instructions as may be provided with the registration application which shall include:

a. The address of the rental dwelling.

b. The number of rental dwelling units. If the premises also provides for temporary dwelling, the application shall also state the number of rooming units and the number of

hotel/motel units in the premises for purposes of distinguishing them from the rental dwelling units.

c. The name, residence address, business address, business phone number, and personal phone number of the owner and property manager, if applicable.

d. The address where the owner and the local agent and/or property manager, if applicable, will accept notices or orders from the city.

e. Verification that all state and city 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 under this section.

(5) *Inaccurate or incomplete register information.* It shall be a violation of this Ordinance for an owner to provide inaccurate information for the register of rental dwellings or to fail to provide information required by the application.

(6) *Designation of local agent.* If the owner of a rental dwelling does not reside within sixty (60) miles of the city, he or she shall designate a responsible local agent who shall be legally responsible for operating such rental dwelling in compliance with the law, including the International Property Maintenance Code as made part of the city's Code of Ordinances. 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.

(7) *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 the register shall be provided for the organization owning the rental dwelling and for the president, general manager, or other chief executive officer of the organization.

(8) *Definitions.* As used in this Ordinance, the following words and terms shall have the meanings respectively ascribed to them:

a. *Occupant* means any person, other than a legal or equitable title holder, occupying or possessing all or part of a short-term rental.

b. *Rental dwelling* or *rental property* means any residential dwelling 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 dwelling. This shall include single-family, two-family and multiple-family dwellings, short-term rentals, dwellings occupied on a temporary basis that do not qualify as short-term rentals, rooming or boarding houses, not including hotels, motels, bed and breakfasts or dwellings that are occupied only by members of the owner's immediate family.

c. *Short-term rental* means a dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.

d. *Tenant* means any person, other than a legal or equitable title holder, occupying or possessing all or part of a rental dwelling, not including a short-term rental.

Sec. 14-313. - Certification of rental dwellings required.

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

(1) *Issuance of certificate of compliance.* The city shall issue a certificate of compliance for a rental dwelling when, following an inspection by the building inspector, zoning administrator, and fire inspector and/or their designees, it is determined that the rental dwelling complies with the requirements of the Inspections Section 14-315 below.

(2) *Temporary certification authorized.* Where a certificate of compliance is required, the city may issue a temporary certificate of compliance for the following reasons:

a. For a newly registered rental dwelling until such time as the city is able to make a compliance inspection.

b. To enable the city to balance its compliance inspection workload.

c. To coincide with compliance time periods set forth in a notice citing violations of the city's Code of Ordinances if such periods extend beyond the expiration date of a certificate.

(3) *Validity of certificate of compliance.* A certificate of compliance shall be valid for two (2) years for all rental dwellings, unless suspended as set forth below.

(4) *Expiration of certificate of compliance.* Certificates of compliance and temporary certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsections (2) and (3) above to enable the building inspector to balance inspection workloads.

(5) *Revocation.* A certificate of compliance and/or a temporary certificate of compliance may be revoked subsequent to its issuance by the building inspector upon findings that the rental dwelling(s) fails to comply with two or more sections of this Ordinance and/or for repeated violations of sections of the city's property maintenance code, fire code, zoning ordinance, this Ordinance, or other applicable laws and regulations. An owner aggrieved by such revocation may appeal such action to the city's construction board of appeals in the same manner that a citation for violation of the property maintenance code may be appealed. Enforcement of such revocation shall be stayed while the appeal is pending before the construction board of appeals. An owner may petition the building inspector for reinstatement of a certificate of compliance and/or a temporary certificate of compliance revoked pursuant to this section no sooner than twelve (12) months after revocation.

(6) *Transfer prohibited.* No certificate issued under this Ordinance shall be transferred without the written consent of the building inspector, zoning administrator, and fire inspector.

Sec. 14-314. - Violations.

(a) A violation of this Ordinance shall be punishable as a municipal civil infraction. Any person, including, without limitation, an owner, property manager, local agent, tenant or occupant, who is found responsible for a violation of this Ordinance shall be subject to fines and penalties as follows:

(1) For the first violation within any thirty-six-month period, the penalty shall be a fine not to exceed two hundred fifty dollars (\$250.00).

(2) For a second violation within any thirty-six-month period, the penalty shall be a fine not to exceed five hundred dollars (\$500.00).

(3) For a third violation within any thirty-six-month period, the penalty shall be a fine not to exceed one thousand dollars (\$1,000.00) and/or suspension of a certificate of compliance and/or a temporary certificate of compliance.

Sec. 14-315. - Inspections.

(a) Before issuing a certificate of compliance, the city shall inspect all rental dwellings in order to determine whether they are in compliance with the city's property maintenance code, fire code, zoning ordinance, this Ordinance, and other applicable laws and regulations.

(b) Upon written notice from the city, it shall be the owner's responsibility to schedule and allow the city's 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 permit, except as otherwise permitted within section 14-313 above. Inspections shall occur during the city's regular business hours unless the city agrees to other arrangements, and all fees shall be paid prior to the inspection.

(c) If an inspection reveals that the rental dwelling is not in compliance with the city's property maintenance code, fire code, zoning ordinance, 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 permit is issued. If the city determines that the deficiencies or violations do not render the rental unit uninhabitable, the city may issue a temporary certificate of compliance for that rental dwelling.

(d) The city may conduct additional inspections as it deems necessary, upon reasonable notice to the owner or agent, such as when (i) a temporary certificate of compliance has been issued, (ii) when a complaint is filed with the city, or (iii) the city otherwise has reasonable cause to believe a rental dwelling is in violation of any city ordinance or other applicable laws and regulations.

(e) For purposes of this Ordinance, the term "inspection" shall include re-inspections and/or additional inspections.

Sec. 14-316. - Record keeping.

(a) For all short-term rentals the owner or local agent shall obtain and maintain for the purpose of city inspection and copying the name, address, and other contact information of each occupant.

(b) For all short term rentals the owner or local agent shall obtain and maintain for the purpose of city inspection and copying a document signed by the person responsible for renting the rental dwelling acknowledging the occupancy limit of the rental property,

certifying the number of persons who will be occupying the rental property and acknowledging city regulations applicable to the rental property.

(c) Each tenant of a rental dwelling shall sign a document acknowledging the occupancy limit and city regulations applicable to the rental property, which document shall be maintained by the owner or local agent for inspection and copying by the city. Compliance with this subsection may be achieved through the inclusion of the required information into a rental agreement (lease) signed by each tenant.

(d) The owner or local agent shall maintain such documents and any other records required under this Ordinance for at least two (2) years. An owner or local agent shall convey such documents to any successor owner or local agent.

(e) The information required under this section shall be updated by the owner or local agent for each rental to different tenants or occupants.

(f) It is the intent of the city to inspect and copy the documents and information required under this section in response to a complaint or a violation of this Ordinance, city ordinance or other applicable law or regulation.

Sec. 14-317 Effective Date

This Ordinance shall become effective fifteen (15) days after its adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 24th DAY OF MARCH 2025, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON THE 3rd DAY OF APRIL, 2025

BY

MARK WEEDON, MAYOR _____

KALLA LANGSTON, CITY CLERK _____

CERTIFICATION, I hereby certify that the above is a true and complete copy of an ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on 24th day of March, 2025, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Kalla Langston, City Clerk