

**SOUTH HAVEN CHARTER TOWNSHIP VAN BUREN COUNTY
SHORT TERM RENTAL ORDINANCE
ORDINANCE #168**

**AN ORDINANCE TO AMEND SHORT TERM RENTAL REGULATIONS IN SOUTH
HAVEN CHARTER TOWNSHIP, MICHIGAN.**

South Haven Charter Township ordains as follows:

Sec. 01-01. Purpose.

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within South Haven Township is a matter closely connected with the public health, safety, and welfare of the community. The Township Board has enacted this Ordinance in an attempt to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in Short-Term Rental of Single-Family Dwellings.

While visitors to the community who rent Single-Family Dwellings on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This Ordinance is intended to strike a balance between competing interests.

The Township Board finds that the areas of the Township with predominately Single-Family Dwellings are especially susceptible to the negative effects of Short-Term Rentals since these areas are the least intensively developed residential areas in the Township. Thus, this Ordinance will regulate Short-Term Rentals of only Single-Family Dwellings.

The Township Board finds that there is decreased sensitivity to the effects of Short-Term Rentals in other various areas within the Township, and the Township will regulate Short-Term Rentals accordingly.

Sec. 01-02. Definitions.

- (a) *Dwelling*. Shall have the same definition as in the South Haven Township Zoning Ordinance.
- (b) *Owner*. A person holding legal or equitable title to a Single-Family Dwelling. An Owner may designate an agent to perform duties or receive notice under this Ordinance.
- (c) *Rent or Rental*. The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the Owner for a period of time to a person who is not the Owner, pursuant to a written or verbal agreement.
- (d) *Short-Term Rental*. The Rental or subletting of a Single-Family Dwelling for compensation for a term of at least three but not more than 27 nights (rentals for less than three nights are

not allowed as Short-Term Rentals). Only one Rental term may begin for a Single-Family Dwelling during any calendar week of Sunday through Saturday. However, the rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, other similar healthcare related facilities, and the Rental of Single-Family Dwellings in the Agricultural District.

(e) *Single-Family Dwelling*. Shall have the same definition as in the South Haven Township Zoning Ordinance.

Sec. 01-03. Applicability.

This Ordinance shall apply only to Short-Term Rentals in the Township.

Sec. 01-04. Registration required.

(a) *Annual Registration required*. All Short-Term Rentals must be registered with the Township. No Single-Family Dwelling may be used as or advertised for a Short-Term Rental unless registered in accordance with this Ordinance.

(b) *Application*. To register a Short-Term Rental, the Owner shall satisfy the following requirements.

(1) The Owner shall provide and certify as true the following on a form provided by the Township:

- (A) Name, address, and telephone number of the Owner of the Single-Family Dwelling to be used as a Short-Term Rental (if the Owner does not reside within 45 miles of the Single-Family Dwelling, the Owner shall name a local agent); the Owner, a local agent, or the designee of either shall be on site within one hour of being contacted by the Township or law enforcement concerning an issue regarding the Short-Term Rental;
- (B) The address of the Single-Family Dwelling to be used as a Short-Term Rental (plus additional identification as necessary if there is more than one Single-Family Dwelling at the same address);
- (C) The number of bedrooms in the Single-Family Dwelling to be used as a Short-Term Rental;
- (D) The number of off-street parking spaces provided for the Single-Family Dwelling to be used as a Short-Term Rental (this information must also be included in the rental agreement and any online or other advertising for the Single-Family Dwelling);
- (E) The maximum number of occupants for the Single-Family Dwelling to be used as Short-Term Rental, subject to any applicable local, state, or federal

laws, regulations, or ordinances (this information must also be included in the rental agreement and any online or other advertising for the Single-Family Dwelling);

- (F) The number of days at a time the Owner intends to rent the Single-Family Dwelling as a Short-Term Rental, and the months of the year during which Owner intends to do so;
 - (G) The rental agreement for the Single-Family Dwelling to be used as a Short-Term Rental;
 - (H) A copy of the Use Tax License;
 - (I) A copy of the letter of approval if Rental is located in an HOA;
 - (J) The Single-Family Dwelling to be used as a Short-Term Rental's compliance with all requirements of this Ordinance; and
 - (K) Such other information as the Township Board deems appropriate.
- (2) An Owner who wishes to rent or advertise a Single-Family Dwelling as a Short-Term Rental must register the Single-Family Dwelling for each calendar year during which the rental or advertisement shall occur. The Owner shall pay an annual administrative fee, the amount of which shall be established by motion or resolution of the Township Board. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after April 1, 2024 without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by motion or resolution of the Township Board.

Sec. 01-05. Short-Term Rental Regulations.

Single-Family Dwellings used as a Short-Term Rentals are subject to the following requirements and performance standards.

- (a) *Street address posted within the Single-Family Dwelling.* The street address of the property shall be posted in at least two prominent locations within the Single-Family Dwelling in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- (b) *Maximum occupancy.* Beginning April 1, 2024 the maximum occupancy of any Single-Family Dwelling used as a Short-Term Rental shall be as follows.
 - (1) Maximum occupancy in a Single-Family Dwelling used as a Short-Term Rental shall not exceed the lesser of: (i) 12 total occupants; or (ii) two occupants per bedroom plus two additional occupants per finished story, which meets the applicable egress requirements pursuant to the Michigan Construction Code or Fire Code, including but not limited to appropriately located and sized egress windows and subject to any other local, state, or federal requirements.

- (2) In addition to the maximum occupancy specified in subsection (1) above, a Single-Family Dwelling used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 1.5 times the maximum number of occupants allowed by subsection (1). A fractional number of people allowed shall be rounded up to the nearest whole number.
- (c) *Smoke detectors and carbon monoxide devices.* Single-Family Dwellings used as Short-Term Rentals must possess:
- (1) Operational smoke detectors in each bedroom, which must be tested at least every 90 days to ensure that they are properly functioning; and
 - (2) At least one operational and approved carbon monoxide device of the type described in MCL 125.1504 on each floor, which must be tested at least every 90 days to ensure proper functioning.
 - (3) A fire extinguisher must be installed on each floor.
- (d) *Zoning compliance.* Short-Term Rentals are also regulated in the South Haven Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.
- (e) *Attics and basements.* No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Single-Family Dwelling used as a Short-Term Rental, unless the Owner has given the Township, in writing, consent for the Township to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code, and the applicable fire codes.
- (f) *Inspections.* The Owner must consent to inspections of the Single-Family Dwelling used as a Short-Term Rental by South Haven Area Emergency Services upon request. In any area in which public water and public sanitary sewer are not available, the Owner must also consent to and pay for a septic inspection by the Van Buren County Health Department and must obtain a certificate indicating the Single-Family Dwelling used as a Short-Term Rental has adequate septic pumping, which shall be renewed every three years.
- (g) *SHAES Street Number.* The Single-Family Dwelling used as a Short-Term Rental must have a street number marker installed by South Haven Area Emergency Services. The dwelling marker shall be maintained and remain plainly visible from the driveway it services.
- (h) *Insurance.* Single-Family Dwellings used as Short-Term Rentals must be insured by a comprehensive rental dwelling insurance policy with coverage of at least \$1,000,000.00. The Owner shall provide to the Township confirmation of the existence of the insurance with a copy of proof, each time the Short-Term Rental is registered with the Township.
- (i) *Notice of Township Rules and Policies.* Renters of Single-Family Dwellings used as

Short-Term Rentals must be provided copies of or information, in a binder that is located in a conspicuous place, regarding the following:

- (1) This Ordinance and the South Haven Township Zoning Ordinance;
 - (2) Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitations on day-time visitors per subsection (b)(2) above, and common areas which are available for the renters' use; and
 - (3) The South Haven Township Anti-Noise Ordinance, Ordinance Number 29, which shall highlight the quiet hours, which extend between the hours of 11:00 PM and 7:00 AM daily.
 - (4) Water safety information, including guidance on South Haven beach flags.
 - (5) Notice that golf carts are not permitted on any public roads within the Township.
 - (6) Copy of the "Good Neighbor Policy." Additionally, rental owners should notify their adjacent property owners that they will be renting their property as a short-term rental and provide contact information they can use if there are issues with the rental.
- (j) *Notice of emergency numbers and addresses.* The street address and phone number of the nearest hospital must be made available in the Short-Term Rental in an easily accessible location. The Owner must notify Renters, upon or prior to their arrival, of the location of this information.
- (k) *Adequate trash receptacles.* Single-Family Dwellings used as Short-Term Rentals must have a minimum of one large container of at least 90 gallons for every four occupants.

Sec. 01-06. Violations; revocation of registration.

- (a) *Violations as municipal civil infractions.* Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other Township ordinance, violations of this Ordinance are subject to the following fines:
- (1) *Short-term rental of unregistered dwellings.* The operation of an unregistered Short-Term Rental is \$750 for a first violation and \$1,000 for each subsequent violation;
 - (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy permitted for a Short-Term Rental is \$500 for a first offense and \$1,500 for each subsequent offense; and
 - (3) *Other provisions.* Fines for other violations of this Ordinance are \$100 for a first offense, \$500 for a second offense, and \$1,500 for each subsequent offense.

(b) Revocation of registration.

- (1) *Offenses warranting revocation.* The Township may revoke the rental registration for any Single-Family Dwelling used as a Short-Term Rental which is the site of at least three separate incidents, occurring on three separate days, within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the Owner or any renter for a violation of one or more of the following:
 - (A) Any provision of this Ordinance;
 - (B) Any provision of any other Township ordinance, including its Anti-Noise Ordinance, Controlled Substances and Offenses Against Public Peace Ordinance, Zoning Ordinance, and any other Township ordinance, section of the Zoning Ordinance, or permit or approval process; or
 - (C) Any violation of any other local, state, or federal law or regulation.
- (2) *Revocation procedure.* Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator shall issue a notice to the Owner that the Township intends to revoke the rental registration. The notice shall inform the Owner of their right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the Owner in writing of a time and place for that hearing. At the hearing, the Owner may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the Owner should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the Owner could not reasonably anticipate and prevent or could not reasonably control.
- (3) *Revocation period and effect.* Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year and cannot be used for Short-Term Rentals until re-registered.

Sec. 01-07. Effective date.

This Ordinance was approved and adopted by the Township Board of the Township of South Haven, Van Buren County, Michigan, on _____. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township.

Sec. 01-08. Severability.

The provisions of this ordinance are severable. If any portion of this Ordinance is declared void or unenforceable for any reason by a court of competent jurisdiction, the remainder of the Ordinance will remain in full force and effect.

Sec. 01-9. Repealer.

This Ordinance shall amend and replace Short Term Rental Ordinance, Ordinance No. 157, in its entirety.

Ross Stein, Township Supervisor

Brenda Bertorelli, Township Clerk