

WEESAW TOWNSHIP
BERRIEN COUNTY, MICHIGAN

SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. _____

AN ORDINANCE TO REGULATE SHORT TERM RENTALS IN WEESAW TOWNSHIP,
BERRIEN COUNTY, MICHIGAN

THE TOWNSHIP OF WEESAW, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose.

Weesaw Township finds that the short-term rental of single-family dwellings in Weesaw Township is a matter closely connected with the public health, safety, and welfare of the community. This Ordinance is enacted 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 as defined in the Weesaw Township Zoning Ordinance.

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 traffic, parking, congestion, litter, noise, and similar matters. Meanwhile, issues related to fire safety and life safety must be considered in order to maximize the safety and well-being of all residents and visitors of Weesaw Township.

Single-family dwellings are the predominate type of dwelling in the community. Thus, this Ordinance will permit and regulate short-term rentals of only single-family dwellings.

Section 2. Definitions.

When used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section:

Dwelling – Shall have the same definition as in the Weesaw Township Zoning Ordinance, as amended.

Local Agent – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance and to respond to calls from renters, concerned citizens, and representatives of the Township. The local agent must live or maintain a physical place of business within 20 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

Occupant – An individual at least 24 months of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the

individual is visiting between the hours of 8:00am and 11:00pm and will not stay overnight.

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.

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.

Short-term Rental – The rental or subletting of a single-family dwelling for compensation for not more than 29 consecutive nights. 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, and other similar health-care related facilities shall not be considered short-term rentals.

Section 3. Applicability, Exceptions.

1. This Ordinance shall apply only to short-term rentals in Weesaw Township.
2. The following circumstances do not constitute a short term rental:
 - A. Family Occupancy. Any member of a family, as defined in the Weesaw Township Zoning Ordinance, as well as that family member's guests, may occupy a dwelling as long as that family member's family or an entity in which the family member has an ownership or control interest owns the dwelling and the occupancy is without remuneration to the owner.
 - B. House Sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
 - C. Dwelling Sales. Occupancy of up to 29 days by a prior owner after the sale of a dwelling under a rental agreement following closing is permitted.
 - D. Estate Representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration is permitted. The estate shall notify the Township of the owner's name, date of death, and name of the person occupying the premises.
 - E. Migrant Housing. The temporary or seasonal occupancy of a dwelling unit by migratory workers is permitted pursuant to applicable state and local regulations.

This Ordinance shall apply to all short-term rentals. However, if a property is the primary residence of the owner and is occupied by the owner more than 50% of the year, the property is still subject to the requirements of this ordinance, but shall not count toward the Township's cap on the number of permitted short-term rentals.

Section 4. Registration required.

1. Number of Registrations Permitted. The total number of licensed short-term rental properties permitted within Weesaw Township shall not exceed 50 at any given time. Once this cap is reached, no new short-term rental licenses shall be issued until the number of active licenses falls below the cap. This limitation shall apply to all short-term rentals, except otherwise provided in this Ordinance.
2. Location. Short term rentals shall only be permitted in accordance with the Weesaw Township Zoning Ordinance.
3. Annual Registration Required. All short-term rentals shall register with the Township on an annual basis. No single-family dwelling may be used as or advertised for a short-term rental unless registered in accordance with this Ordinance.

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 resolution of the Township Board.

4. Application. To register a short-term rental, the owner shall satisfy the following requirements:
 - A. The owner shall provide and certify as true the following on a form provided by the Township:
 - 1) Name, address, and telephone number of the owner and/or local agent of the single-family dwelling to be used as a short-term rental. If the owner does not reside within 20 miles of the single-family dwelling, the owner shall name a local agent.
 - 2) The street address and permanent parcel number (PPN) of the single-family dwelling to be used as a short-term rental.
 - 3) The number of bedrooms in the single-family dwelling to be used as a short-term rental and the location of such bedrooms therein.
 - 4) The number of off-street parking spaces provided for the single-family dwelling to be used as a short-term rental and a drawing of the location of such parking spaces (this information must also be included in the rental agreement and any online or other advertising for the single-family dwelling).
 - 5) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period, 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);

- 6) 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;
- 7) A copy of the rental agreement for the single-family dwelling to be used as a short-term rental;
- 8) Statements certifying the following:
 - a. That each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at least every 90 days.
 - b. That the property owner consents to inspections by the Township and will make the dwelling unit available to inspections upon request.
- 9) Any other information necessary to indicate compliance with all requirements of this Ordinance.

Section 5. Short-Term Rental Regulations.

Single-family dwellings used as short-term rentals are subject to the following requirements and performance standards.

1. Street Address.

- A. The single-family dwelling used as a short-term rental must have a street number marker visible from the road and in compliance with any state or local laws or regulations.
- B. 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.

2. Occupancy.

- A. The maximum occupancy of any single-family dwelling used as a short-term rental shall be as follows:
 - 1) A short term rental shall not have more than sixteen (16) occupants, or not more than maximum number of occupants permitted by the adopted International Property Maintenance Code of Weesaw Township, whichever is less.
- B. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with applicable law. The use of campers, tents, the floor, couches, or similar arrangements to provide additional

occupancy on the premises is prohibited. Not more than two sleeper sofas may be utilized, provided that the room in which they are located meets applicable building, fire code, international property maintenance code requirements for bedrooms

C. No accessory building shall be used for short-term rental purposes.

3. Isolation Radius. A minimum isolation radius of 200 feet shall be maintained between short-term rental properties. This distance shall be measured in every direction from the exterior walls of the principal building to the nearest adjacent short-term rental building.
4. Inspections. The owner must consent to inspections of the single-family dwelling used as a short-term rental by the Township upon request of the official charged with the enforcement of this Ordinance or another authorized Township official, provided that at least 48 hours' notice is provided to the property owner or their local agent prior to an inspection.
5. Availability of Owner/local Agent. The owner or local agent must be available to accept telephone calls at all times that the short-term rental is rented. The owner or local agent must have a key to the unit and be physically present at the unit within 30 minutes when contacted by the Township or law enforcement to address issues unless arrangements are made for a substitute person to address issues within the same timeframe.
6. Parking. A minimum of two (2) off-street parking spaces located on the subject property shall be provided per unit (up to six (6) occupants), plus one space for every three occupants over six, based on the approved occupancy for the dwelling unit. Parking on the grass, in lawn areas, or on the street shall be prohibited.
7. Appearance. The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity, and shall not be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood, or be illuminated or signed in a manner that is out of character with other homes in the vicinity.
8. Notice of Township Rules and Policies. Renters of single-family dwellings used as short-term rentals must be provided copies of or information regarding the following:
 - A. This Ordinance;
 - B. Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitation on the number of occupants, common areas which are available for the renters' use; and
 - C. Quiet hours as specified in item 10 below.
 - D. Applicable laws, rules, or customary practices regarding lake use and activities, association or neighborhood rules, and similar information where applicable.

9. Adequate trash receptacles. All single-family dwellings used as short-term rentals must have and use adequate trash receptacles. Trash must be kept in a closed container and disposed of on a regular weekly schedule by a licensed waste hauler.
10. Quiet Hours. 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 and shall comply with the Weesaw Township Noise Ordinance.
11. Good Neighbor Policy. The applicant shall adhere to the Township's Good Neighbor Policy and must provide a copy of the policy to all short-term rental guests prior to or upon arrival. The policy shall be posted in a conspicuous space within the short term rental.

Section 6. Violations; revocation of registration.

1. Violations. Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation.
2. Revocation of Registration.
 - A. The Township may revoke the rental registration for any single-family dwelling used as a short-term rental that is the site of at least two separate incidents (occurring on two 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:
 - 1) Any provision of this Ordinance;
 - 2) Any provision of any other Township ordinance, including its Zoning Ordinance; or
 - 3) Any violation of any other local, state, or federal law or regulation.
 - B. Revocation Procedure. Upon a determination by an official designated by the Township Board to enforce this Ordinance that the short-term rental registration is subject to revocation, such official shall issue a notice to the owner that the Township intends to revoke the rental registration. Prior to such revocation, the Township shall schedule a hearing before the Township Board and notify the owner in writing at least 14 days prior to the hearing of a time and place for that hearing. At the hearing, the owner may present evidence that the requirements for revocation provided in subsection 2.A are not satisfied, or that the owner should not be held responsible for one or more of the two 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, and could not reasonably control.

- C. 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 pursuant to the provisions of this Ordinance.

Section 7. Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Section 8. Repealer.

Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 9. Effective Date.

This Ordinance shall take effect on _____.

The vote to approve and adopt this ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Weesaw Township Board of Trustees at the time, date, and place as specified above pursuant to the required statutory procedures.

Respectfully submitted,

By _____

Erika Burcham
Weesaw Township Township Clerk

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