

TOWNSHIP OF ONTWA
CASS COUNTY, MICHIGAN

SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. 2021-06-14.2

AN ORDINANCE TO ADOPT SHORT TERM RENTAL REGULATIONS
IN ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN.

Section 1. Purpose.

The Township Board finds that the short-term rental of single-family dwellings in Ontwa 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.

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.

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 Ontwa Township Zoning Ordinance.

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 total in a calendar year. 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.

This Ordinance shall apply only to short-term rentals in Ontwa Township. Bookings confirmed as of the effective date of this Ordinance shall be exempt **only from Section 5(b)** of this Ordinance until October 31, 2021, after which time all short-term rentals in Ontwa Township shall comply with all provisions of this Ordinance.

Section 4. Registration required.

- (a) *Annual Registration Required.* All short-term rentals **must** be registered 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.

- (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 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).
- (B) The street address of the single-family dwelling to be used as a short-term rental.
 - (C) The number of bedrooms in the single-family dwelling to be used as a short-term rental and the location of such bedrooms therein.
 - (D) 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).
 - (E) 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);
 - (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) Statements certifying the following:
 - 1. 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.
 - 2. That the property owner consents to inspections by the Township and will make the dwelling unit available to inspections upon request.
 - (I) 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.

(a) *Street address.*

- (1) 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.
- (2) 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) *Occupancy.*

- (1) The maximum occupancy of any single-family dwelling used as a short-term rental shall be as follows:
 - (A) Maximum occupancy in a single-family dwelling used as a short-term rental shall not exceed the maximum permitted by the adopted International Property Maintenance Code of Ontwa Township.
 - (B) In addition to the maximum occupancy specified in subsection (A) 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 8am to 10pm), up to 2 times the maximum number of occupants allowed by subsection (1) (a fractional number of people allowed shall be rounded up).
- (2) 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.
- (3) Only one rental term may begin during any calendar week of Sunday through Saturday.
- (4) No property containing an accessory dwelling unit shall be used for short-term rental purposes.

(c) *Smoke detectors, fire extinguishers, 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 per manufacturer's guidelines at least every 90 days to ensure that they are properly

functioning;

- (2) An operational fire extinguisher must be located in the kitchen area; and
 - (3) At least one operational carbon monoxide device on each floor, which must be tested per manufacturer's guidelines at least every 90 days to ensure proper functioning.
- (d) *Zoning compliance.* Nothing in this Ordinance shall be construed as excusing compliance with the requirements of the Ontwa Township Zoning Ordinance.
- (e) *Adopted International Property Maintenance Code compliance.* Unless otherwise provided herein, nothing in this Ordinance shall be construed as excusing compliance with the requirements of the adopted Property Maintenance Code of Ontwa Township.
- (f) *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.
- (g) *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.
- (h) *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 capable of being 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.
- (i) *Parking.* A minimum of two (2) off-street parking spaces located on the subject property shall be provided per unit (up to 6 occupants), plus one space for every three occupants over six, based on approved occupancy for the dwelling unit. Parking on the grass, in lawn areas, or on the street shall be prohibited.
- (j) *Appearance.* The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity. By way of example, the subject property shall not:

- (1) appear to be a commercial, multi-family, or institutional use;
 - (2) be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood; or
 - (3) be illuminated or signed in a manner that is out of character with other homes in the vicinity.
- (k) *Insurance.* Single-family dwellings used as short-term rentals must be insured as rented property with a liability policy of at least \$1,000,000. The owner shall provide to the Township confirmation of the existence of the insurance each time the short-term rental is registered with the Township.
- (l) *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:
- (1) This Ordinance and the Ontwa Township Zoning Ordinance provisions for short-term rentals;
 - (2) Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitation on the number of occupants, limitations on day-time visitors per subsection (b)(1)(B) above, and common areas which are available for the renters' use; and
 - (3) Quiet hours as specified in item m below.
 - (4) Applicable laws, rules, or customary practices regarding lake use and activities, where applicable.
- (m) *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.
- (n) *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 Ontwa Township Noise Ordinance (Ordinance 70-2, as amended). Quiet hours shall be from 10:00 PM to 7:00 AM.

Section 6. 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. Any of the following conduct is a violation of this Ordinance:

- (1) Any leasing of a short-term rental without first registering the short-term rental with the Township pursuant to this Ordinance.
 - (2) The permit holder has failed to comply with the standard conditions specified in Section 5 “Short Term Rental Regulations” of this Ordinance, as determined by the Township.
 - (3) Any false or misleading information supplied in the registration process.
- (b) *Fines.* 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) *Other violations.* The fine for other violations of this Ordinance shall be the same as those set forth in the Ordinance adopting the International Property Maintenance Code of Ontwa Township, as amended.
- (c) *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 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:
 - (A) Any provision of this Ordinance;
 - (B) Any provision of any other Township ordinance, including its Zoning Ordinance; or
 - (C) Any violation of any other local, state, or federal law or regulation.
 - (2) *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 (c)(1) 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.

- (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 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 30 days following publication.

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

YAYS: Trustee Bolock, Trustee Christensen, Trustee Stutsman, Treasurer Leist, Supervisor Marchetti

NAYS: Trustee Kozinski, Clerk VanBelle Motion passed 5-2.


ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

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

Respectfully submitted,

By 

Tina VanBelle
Ontwa Township Clerk

Publisher's Certificate of Publication

STATE OF MICHIGAN COUNTY OF BERRIEN COUNTY OF CASS

Ambrosia Neldon, being duly sworn, says:
That she is General Manager of the Niles Daily Star, a daily newspaper of general circulation, printed and published in Niles, Berrien County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

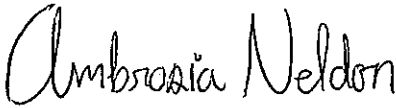
06/19/21

That said newspaper was regularly issued and circulated on those dates.

The sum charged by the Newspaper for said publication does not exceed the lowest rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper in which the public notice appeared.

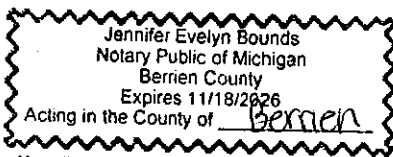
There are no agreements between the Niles Daily Star and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

SIGNED:



Ambrosia Neldon, General Manager

Subscribed and sworn to before me this
19th Day of June, 2021



Jennifer Evelyn Bounds
Notary Public, State of Michigan,
County of Berrien
My commission expires 11/18/2026

Account # 141667
Ad # 1262342

ONTWA TOWNSHIP
PO BOX 209
EDWARDSBURG MI 49112

PUBLIC NOTICE

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND
PROPERTY OWNERS OF
ONTWA TOWNSHIP, CASS
COUNTY, MICHIGAN, AND
ANY OTHER INTERESTED
PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance which was adopted by the Township Board of Ontwa Township at a regular meeting held on June 14, 2021. A summary of the ordinance follows:

Ordinance 2021-06-14.2
Short Term Rental Ordinance

SECTION 1 PURPOSE. This ordinance shall protect the public health, safety and welfare by regulating short term rentals of dwelling units.

SECTION 2 DEFINITIONS. This section defines terms used within the Ordinance.

SECTION 3 APPLICABILITY. The ordinance regulates short term rental of dwelling units in the Township. Bookings confirmed as of the effective date of the Ordinance are exempt from certain provisions of the Ordinance until 10/31/2021, after which date all short term rentals shall comply with all provisions of the Ordinance.

SECTION 4 REGISTRATION REQUIRED. All short term rentals must register with the Township annually; no single family dwelling may be used or advertised unless registered. There is annual fee for short term rental registration. This section contains application requirements.

SECTION 5 SHORT TERM RENTAL REGULATIONS. This section includes requirements for short term rentals including, but not limited to, street address, occupancy limits, smoke detectors and other safety devices, zoning compliance, IPMC compliance, use of certain areas for short term rental, inspection, parking, insurance and local agent requirements, exterior appearance provisions, posting of notice of rules, trash and quiet hours requirements.

SECTION 6 VIOLATIONS; REVOCATION OF REGISTRATION. Violation of the Ordinance is a municipal civil infraction. This section includes specific violations of the Ordinance. This section provides the procedure for revocation of

a registration.

SECTION 7 SEVERABILITY. This section provides that the provisions of this ordinance are severable.

SECTION 8 REPEALER. This section provides for repeal of any conflicting ordinances.

SECTION 9 EFFECTIVE DATE. The ordinance takes thirty (30) days after publication after adoption.

PLEASE TAKE FURTHER NOTICE that the full text of these Ordinances are on file in the Office of the Township Clerk at the address set forth below

Tina VanBelle, Clerk
Ontwa Township
26225 US 12
Edwardsburg, MI 49112-0209
269-663-2347

Niles Daily Star:
June 19, 2021
ORD 2021-06-14.2