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July 23, 2021

TO: Gravel Lake Association
Cedar Lake Recreation Association
Bankson Lake Association
Huzzy Lake Association

Re: Porter Township, Van Buren County Michigan

PROPOSED ORDINANCE TO ADOPT SHORT TERM RENTAL REGULATIONS IN PORTER TOWNSHIP

On behalf of Porter Township Planning Commission, I am enclosing a Notice of Public Hearing. The purpose of the hearing is to consider a proposed ordinance to regulate short term rentals in Porter Township.

Thank you.

Sincerely yours,

Harold Schuitmaker

Harold Schuitmaker
Attorney for Porter Township

HS:pas

Enclosure

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PORTER TOWNSHIP PLANNING COMMISSION
VAN BUREN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Porter Township Planning Commission will hold a public hearing on **Wednesday, August 4, 2021, at 7:00 p.m.** at the Porter Township Hall, 88060 M-40 Highway, Lawton, Michigan, to consider adopting an Ordinance to ~~Regulate Short Term Rentals in Porter Township.~~

Short-Term Rental of Single-Family Dwellings within Porter Township is a matter closely connected with the public health, safety, and welfare of the community. The Township is considering adopting an 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.

Please plan to attend this very important meeting as it may affect your rights as a property owner.

Your input is very important to the Planning Commission in making their recommendation to the Porter Township Board.

Dated: July 16, 2021

Porter Township Planning Commission

**PORTER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

**SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. 2021-2**

**AN ORDINANCE TO ADOPT SHORT TERM RENTAL REGULATIONS
IN PORTER TOWNSHIP, MICHIGAN.**

Sec. 1. Purpose.

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Porter 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.

Sec. 2. Definitions.

Dwelling – Shall have the same definition as in the Porter Township Zoning Ordinance.

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 terms of not more than 27 nights total in a calendar year. Only one Rental term may begin for a Single Family Dwelling during any calendar week of Sunday through Saturday.

Single-Family Dwelling – Shall have the same definition as in the Porter Township Zoning Ordinance.

Sec. 3. Applicability.

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

Sec. 4. 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 30 minutes 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 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 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; and

(H) The Single-Family Dwelling to be used as a Short-Term Rental is in compliance with all requirements of this Ordinance.

(c) 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. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after January 1, 2022, without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by resolution of the Township Board.

Sec. 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 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.* 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) 10 total occupants; or (ii) two occupants per bedroom plus one additional occupant per finished story, which meets the applicable egress requirements for occupancy in the Michigan Construction Code, 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);

(c) *Parking.* No on-street parking of any motor vehicles or any trailered vehicles (including by way of example but not limited to boats, jet skis, and snowmobiles) on any public or private roadways shall be permitted in association with a short term rental. For purposes of this Ordinance "roadway" includes the pavement, shoulder, and full road easement or right of way. Any towing required will occur at the owner's expense.

(d) *Smoke detectors, fire extinguisher, 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;
- (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 at least every 90 days to ensure proper functioning.

(e) *Zoning compliance.* Short-Term Rentals are also regulated in the Porter Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.

(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.

(h) *Street Number.* 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.

(i) *Insurance.* Single-Family Dwellings used as Short-Term Rentals must be insured as a commercially, 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.

(j) *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 Porter 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)(2) above, and common areas which are available for the renters' use; and

- (3) Quiet hours.

(k) *Adequate trash receptacles.* All Single-Family Dwellings used as Short-Term Rentals must

have and use adequate trash receptacles.

(l) *Quiet Hours.* At Single-Family Dwellings used as Short-Term Rentals, from 11pm to 7am yelling, shouting, singing, and music outdoors shall be prohibited or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of other persons.

(m) *Campfires.* Any campfires at a short term rental property shall:

- a. Be contained within a fire ring or other comparable container
- b. ~~Be located no less than 10 feet from any structure or any combustible material and be~~ located from overhanging tree branches.
- c. Be under the direct supervision of an adult at all times.
- d. Be fully extinguished prior to leaving the fire.

Sec. 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. 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.

*(All fines/fees associated with this ordinance are subject to the approval of the township clerk and attorney)

(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 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. The notice shall inform the Owner of a 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 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.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect _____

PORTER TOWNSHIP

By: _____
Charles Meade, Jr., Clerk

CLERK'S CERTIFICATION

I, Charles Meade, Jr., the Clerk of Porter Township, Van Buren County, Michigan, do hereby certify that at a regular meeting of the Porter Township Board held on _____, at the Porter Township Hall, at which, the following members were present, the Board enacted and passed the ordinance.

Charles Meade, Jr., Clerk