

**PORTER TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

**SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. 2022-1**

**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, land owners, 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 most 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 any period of less than 28 days.

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. The annual fee is based on a calendar year and shall be set by the Township Board from time to time.

(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, 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). All parking MUST fit within boundary of lot up which Short-Term Rental is located;
- (E) The maximum number of occupants and visitors 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) Date range that 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 offer short term rentals;
- (G) A copy of the rental agreement for the Single-Family Dwelling to be used as a Short-Term Rental; and
- (H) Certification that the Single-Family Dwelling to be used as a Short-Term Rental is in compliance with all requirements of this Ordinance and all other Township ordinances.

Sec. 5. Short-Term Rental Regulations

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

- (a) *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.
- (b) *Insurance.* Single-Family Dwellings used as Short-Term Rentals must carry such insurance that covers short term rental perils.
- (c) *Quiet Hours.* Single-Family Dwellings used as Short-Term Rentals shall comply with Quiet hours from 11pm to 7am. Yelling, shouting, singing and music outdoors shall be prohibited during these times and at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
- (d) *Minimum Rental.* Each rental period for Single-Family Dwellings used as Short-Term Rentals shall be for no less than seven (7) consecutive days.
- (e) *Trash.* Trash receptacle shall be appropriate for the occupancy level of the Short-Term Rental unit.

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. 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 \$100.00 for a first violation and \$500.00 for each subsequent violation within same calendar year;

*(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 guilty 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 this notice. The Township shall schedule a hearing before the Township Board or its designated representative as a Tribunal 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) Should the owner fail to present such evidence, the Tribunal shall revoke the registration for up to one year.
- (4) 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 thirty (30) days after publication.

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 a regular meeting of the Porter Township Board held on January 12, 2022, at the Porter Township Hall, at which, the following members were present, the Board enacted and passed the ordinance.

Motion by Nesbitt, second by Bitely: Roll call vote: All yes.

Charles Meade, Jr., Clerk