

**CASCO TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN  
September 17, 2017**

**SHORT TERM RENTAL ORDINANCE NO. XXXX**

**AN ORDINANCE TO ADD A NEW ARTICLE X TO THE CODE OF  
ORDINANCES, CASCO TOWNSHIP, MICHIGAN, TO REQUIRE REGISTRATION AND  
OTHERWISE REGULATE SHORT-TERM RENTALS IN RESIDENTIAL ZONES**

**Chapter X, Article X. Short-Term Rentals.**

**Sec 01-01. Purpose.**

The Township Board finds that the short-term rental of single-family residential dwellings within Casco Township is a matter closely connected with the public health, safety and welfare of the community. The Township Board has enacted this regulatory 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 residential dwellings.

While visitors to the community who rent single-family residential 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 article is intended to strike a balance between competing interests.

The Township Board finds that there is decreased sensitivity to short-term rentals within the Agricultural District of the Township. We are going to allow and regulate short-term rentals in single-family dwellings in the following residential zones (RR, LRA, LRB, LDR, MDR).

**Sec. 01-02. Definitions.**

*Note: This section will be further populated by the Planning Commission's harmonized list of definitions needed for this ordinance..*

Short-term rental - The rental of a dwelling unit for compensation for a term of 3 nights to 27 nights with no more than one rental turnover per week. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, motels, resorts, campgrounds (ii) 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 healthcare related facilities.

**Sec. 01-03. Registration required.**

(a) *Registration required.* All dwelling units in residential zoning districts used for short-term rentals shall be registered with the Township. The short-term rental of an unregistered dwelling unit is prohibited.

(b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:

- (1) Provide and certify as true with a signed affidavit the following on a form provided by the Township:

- (A) Name, address, and telephone number of the owner and local agent for the dwelling unit. If the owner is not within 45 miles or 45 min. of the dwelling, a local agent who can be on site at any hour must be provided.
  - (B) The street address of the dwelling unit, along with other identification if more than 1 dwelling unit has the same street address.
  - (C) The number of bedrooms in the dwelling unit.
  - (D) The number of off-street parking spaces provided for the dwelling unit (which will also be included in the rental agreement and any advertising).
  - (E) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period which will be the same as the maximum number advertised and maximum number listed in the rental agreement and will not exceed the maximum number allowed for the property by the Township.
  - (F) The length of the typical rental period for which the applicant intends to rent the property.
  - (G) A statement certifying 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.
  - (H) A statement certifying that the property owner consents to inspections by SHAES and will make the dwelling unit available to inspections upon request. North of 107 where city water and sewer are not available, an Allegan County Health Department POS inspection of the septic is required along with a certificate indicating septic pumping every three years.
  - (I) A statement certifying that the property owner has a SHAES Street number marker installed.
  - (J) Liability coverage beyond homeowners insurance at the level of \$500,000 or greater.
  - (K) A statement certifying that the property owner or a local agent will provide at least one copy of the Township's Good Neighbor Policy with address section completed to the renters each time the dwelling unit is rented. They will also communicate trash pick-up locations and times, property boundaries, on-site parking spots, limitations on day-time visitors, and common areas available for use by guests. In addition, Casco Noise Ordinance quiet hours from 10 pm to 7 am daily shall be included in each rental agreement.
  - (L) Adequate trash receptacles. The Township recommends a minimum of one large container (90 to 100 gallons each) for every four occupants.
  - (M) Such other information as the Township deems appropriate.
- (2) Pay an administrative fee, as set by resolution of the Township Board. Any owner of a dwelling unit or a local or other agent for that owner who rents a dwelling unit on a short term rental after March 1, 2018 without having registered it pursuant to this ordinance shall pay an increased fee in the amount also set by resolution of the Township Board.

**Sec. 01-04. Short-term rental regulations.**

*(a) Local agent required.* All dwelling units used for short-term rentals shall have a designated local

owner/agent who can be at the dwelling in 45 minutes or less.

(b) *Street address posted within dwelling unit.* The street address of the property shall be posted in at least two prominent locations within the dwelling unit 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.

(c) *Maximum occupancy.* Beginning January 1, 2018 the maximum occupancy of any dwelling unit used for short-term rentals shall not exceed 12 and is calculated as follows:

**(1) Maximum occupancy** establishes that the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of: (i) 12 total occupants or (ii) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

**(2) Applications for increase.** An owner or local agent may apply for permission to have the maximum occupancy of a dwelling unit increased above the maximum of 12 total occupants established in Section 01-04 (c). Applications for increase shall be submitted to and decided by a Hearing on a Special Use permit with the *Planning Commission*. Applications shall be submitted on a Special Use Permit form provided by the Township, and shall be accompanied by any applicable fee established by resolution of the Township Board. The Board shall decide an application for increase in a public meeting with advance notice of that meeting given to owners of real property within 300 feet of the boundaries of the property for which an application for increase has been filed. The Planning Commission shall grant the application only upon determining that subsections (d)(3)(A) and (d)(3)(B) below are both satisfied:

(A) All of the following are provided:

- (i) A parking site plan allowing sufficient access for emergency vehicles.
- (ii) An automatic sprinkler system on all floors with one or more bedrooms.
- (iii) A fire alarm system.
- (iv) An interconnected smoke alarm system.
- (v) Fire-rated corridors.
- (vi) Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- (vii) Automatic door closers and fire-rated doors on all bedrooms.
- (viii) A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the committee.
- (ix) North of 107<sup>th</sup> where city water and sewer are not available, the size and condition of septic system will be a factor in determining if more than 12 occupants will be allowed.

(B) Due to one or more of the following features or other similar features of the applicant's property, an increased maximum occupancy would not have an adverse effect on surrounding properties:

- (i) Isolation from properties used as residential dwellings.
- (ii) Size of the setbacks on the property.
- (iii) Provision of fencing or other screening from adjoining properties.
- (iv) Topography and layout of the applicant's property, or of the adjoining properties.
- (v) Other characteristics and uses of properties within the vicinity of the applicant's property.

(d) *Smoke detectors and carbon monoxide devices.* The owner or local agent of a dwelling unit used for short-term rentals shall:

- (1) Install and maintain an operational smoke detector in each bedroom, and test such smoke detectors at least every 90 days to ensure that they are properly functioning.
- (2) Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor, and test such devices at least every 90 days to ensure that they are operational.

(e) *Zoning compliance.* Short-term rentals are regulated in the Casco Zoning Ordinance, and nothing in this article 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 dwelling unit during a short-term rental, unless the property owner or local agent has given the Township, in writing, consent for the Township to inspect the premises to verify whether that attic or basement meets the applicable requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.

**Sec. 01-05. Violations; revocation of registration.**

(a) *Violations as municipal civil infractions.* Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:

- (1) *Short-term rental of unregistered dwellings.* The fine for leasing an unregistered dwelling unit in violation of subsection 01-03a is \$750 for a first violation and \$1,000 for each subsequent violation.
- (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 01-04c1 is \$500 for a first offense and \$1,500 for each subsequent offense.
- (3) *Other provisions.* Fines for other violations of this article are as follows: \$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 dwelling unit which is the site of at least 3 separate incidents (occurring on 3 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, local agent, or any renter for a violation of one or more of the following:

- (A) Any provision of this article.
- (B) Any provision of the Township Noise Ordinance.
- (C) Any Violations concerning Controlled Substances and Offenses Against Public Peace.
- (D) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

(2) Revocation Procedure. Upon a determination by the Zoning Administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection (b)(1), the Zoning Administrator shall issue a notice to the property owner and the local agent stating that the Township intends to revoke the rental registration. The notice shall inform the owner and local agent 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 and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent 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 or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

(3) Revocation Period and Effect. Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

**Sec. 01-06. Review after implementation; public hearing required before amendment or repeal.**

*(a) Review after implementation.* Not later than November 1, 2018, the Planning Commission shall begin a review of this article to determine whether its implementation has achieved its intent and what, if any, amendments to should be made to this article.

*(b) Public hearing required.* The TBoard shall hold a public hearing before amending or repealing any provision of this article, publishing notice in a newspaper of general circulation in the Township and posting notice in Township Hall and on the Township's website at least 15 days prior to such meeting.

**Section 2. Publication and Effective Date.** The Township Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.