

**CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. _____**

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

Sec. 01-01. Purpose.

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

The Township Board finds that there is decreased sensitivity to the effects of Short-Term Rentals in various areas within the Township, and the Township will regulate Short-Term Rentals accordingly.

Sec. 01-02. Definitions.

Dwelling – Shall have the same definition as in the Casco 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 a term of at least three but not more than 27 nights (rentals for less than three nights are not allowed as Short-Term Rentals). Only one Rental term may begin for a Single-Family Dwelling during any calendar week of Sunday through Saturday. However, the rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, 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.

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

Sec. 01-03. Applicability.

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

Sec. 01-04. Registration required.

- (a) *Registration required.* All Short-Term Rentals **must** be registered with the Township.
- (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 45 miles of the Single-Family Dwelling, the Owner shall name a local agent ~~who is capable of being onsite within one hour at any time~~); 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;
 - (D) The number of off-street parking spaces provided for the Single-Family Dwelling to be used as a Short-Term Rental (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 ~~length~~number of days at a time the ~~typical rental period for which~~ 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) The Single-Family Dwelling to be used as a Short-Term Rental is in compliance with all requirements of this Ordinance; and
 - (I) Such other information as the Township Board deems appropriate.
- (2) An Owner who wishes to rent a Single-Family Dwelling as a Short-Term Rental must register the Single-Family Dwelling for each calendar year during which the rental shall occur. The Owner shall pay an annual administrative fee, the amount of which shall be established by motion or resolution of the Township Board. Any Owner who rents a Single-Family Dwelling as a Short-Term Rental after March 31, 2018 without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by motion or resolution of the Township Board.

Sec. 01-05. Short-Term Rental Regulations.

Single-Family Dwellings used as a 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.* Beginning January 1, 2018 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) 12 total occupants; or (ii) two occupants per bedroom plus two additional occupants 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 ~~visitors, on site~~ 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);

- ~~(3) — Applications for increase. An Owner may apply for permission to have the maximum occupancy of a Single-Family Dwelling increased above the maximum of 12 total occupants, subject to all other local, state, or federal requirements. However, an Owner of a Single-Family Dwelling on a prior lot of record which does not meet the minimum size requirements of the zoning district in which the lot is located may not apply for this permission. Applications for an increase shall be submitted to and decided by a committee comprised of the Township Supervisor, the Zoning Administrator, and a Township Board member. Applications are submitted on a standard form provided by the Township and shall be accompanied by any applicable fee established by motion or resolution of the Township Board. The Committee shall grant the application only upon finding that the following conditions are met:~~

~~(A) — All of the following must be 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; and~~

~~(ix) For properties to the North of 107th Avenue where public water and public sanitary sewer are not available, the size and condition of the septic system must be sufficient for the number of occupants requested.~~

~~(B) Due to one or more of the following features or other similar features of the applicant's property, the Committee finds that 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; or~~

~~(v) Other characteristics and uses of properties within the vicinity of the applicant's property.~~

(c) *Smoke detectors 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; and
- (2) At least one operational and approved carbon monoxide device of the type described in MCL 125.1504 on each floor, which must be tested at least every 90 days to ensure proper functioning.

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

(e) *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.

- (f) *Inspections.* The Owner must consent to inspections of the Single-Family Dwelling used as a Short-Term Rental by South Haven Area Emergency Services upon request. In any area in which public water and public sanitary sewer are not available, the Owner must also consent to and pay for a septic inspection by the Allegan County Health Department and must obtain a certificate indicating the Single-Family Dwelling used as a Short-Term Rental has adequate septic pumping, which shall be renewed every three years.
- (g) *SHAES Street Number.* The Single-Family Dwelling used as a Short-Term Rental must have a street number marker installed by South Haven Area Emergency Services—~~street number marker installed.~~
- (h) *Insurance.* Single-Family Dwellings used as Short-Term Rentals must be insured as a commercially, rented property with—~~at least~~ a ~~\$500,000~~ 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.
- (i) *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 Casco Township Zoning Ordinance;
 - (2) The Township’s Good Neighbor Policy with the address portion of the policy completed with the renter’s information;
 - (3) Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitations on day-time visitors per subsection (b)(2) above, and common areas which are available for the renters’ use; and
 - (4) The Casco Township Noise Ordinance, which shall highlight the quiet hours, which extend from 10 pm to 7 am daily.
- (j) *Adequate trash receptacles.* All Single-Family Dwellings used as Short-Term Rentals must have adequate trash receptacles. The Township requires a minimum of one large container (90 to 100 gallons) for every four occupants.

Sec. 01-06. 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.
- (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 three separate incidents (occurring on three 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 Noise Ordinance, Controlled Substances and Offenses Against Public Peace Ordinance, Zoning Ordinance, and any other Township ordinance, section of the Zoning Ordinance, or permit or approval process; or
 - (C) Any violation of any other local, state, or federal law or regulation.
 - (2) Revocation Procedure. Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator 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 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 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.

Sec. 01-07. Review after implementation; public hearing required before amendment or repeal.

- (a) *Review after implementation.* Not later than November 1, 2018, the Township Board shall begin a review of this Ordinance to determine whether its implementation has achieved its intent ~~and; to determine whether the fees received by the Township for the registration of Short-Term Rentals approximately equal the costs of enforcement incurred by the Township pursuant to this Ordinance; and to determine~~ what, if any, amendments ~~to~~ should be made to this Ordinance.
- (b) *Public hearing required.* The Township Board shall hold a public hearing before amending or repealing any provision of this Ordinance, 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 01-08. Effective date.

This Ordinance was approved and adopted by the Township Board of the Township of Casco, Allegan County, Michigan, on _____, 2017. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township.

Allan Overhiser, Township Supervisor

Cheryl Brenner, Township Clerk

CERTIFICATE

I, Cheryl Brenner, Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Short Term Rental Ordinance was adopted at a regular meeting of the Township Board held on _____, 2017. The following members of the Township Board were present at that meeting: _____

_____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____ voting in opposition. The Ordinance or a summary was published in the _____ on _____, 2017.

Cheryl Brenner, Township Clerk

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