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PAW PAW TOWNSHIP

VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 288

ADOPTED: May 13th, 2024

EFFECTIVE: Thirty days after publication after adoption

SHORT TERM RENTAL ORDINANCE

An Ordinance to add provisions to the Township Code of Ordinances regarding Short-Term Rentals in the Township, to provide definitions and regulations regarding Short-Term Rentals, to provide penalties for violation of the ordinance, to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**PAW PAW TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

**SECTION 1
ADDITION OF NEW CHAPTER 41
PAW PAW TOWNSHIP CODE OF ORDINANCE
SHORT-TERM RENTALS**

The Code of Ordinances of Paw Paw Township is hereby amended by adding a new Chapter 41, Short-Term Rentals, which shall read as follows:

CHAPTER 41 Short Term Rentals

Sec. 41-01. Purpose.

The Township Board finds that the Short-Term Rental of Single-Family dwellings within Paw Paw Township is a matter closely connected with the public health, safety, and welfare of the community. The Township Board intends to adopt regulations that will 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 the 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 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 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 Single-Family Dwellings only. 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. 41-02. Definitions.

Dwelling — Shall have the same definition as in the Paw Paw 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.

Local Agent - An individual designated to oversee the short-term rental of a rental 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 rental unit used for short-term rental. An owner who meets these criteria may be the local agent. 35

Long Term 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 29 days or more, to a person who is not the Owner, pursuant to a written or verbal agreement

Short -Term 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 not more than 29 days, to a person who is not the Owner, pursuant to a written or verbal agreement.

Short-Term Rental Unit Permit - Upon the acceptance of a completed application for rental registration and the completed and approved inspection of the dwelling unit proposed to be used as a short-term rental, the applicant (owner or agent) shall be issued a Short-Term Rental Permit, which shall serve as evidence that the owner has completed the registration, and the dwelling unit has passed all inspections.

Tenant - Shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit.

Township - Shall mean the officer, company or individual designated by the Township board to administer all or any part of the registration, inspection and permitting programs under this ordinance.

Note: 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.

Sec. 41-03 Applicability.

This Ordinance shall apply only to Short-Term Rentals (STR's) in the Township. Where allowed, STR's shall be considered a residential accessory use.

The following circumstances do not constitute a short-term rental:

- a. **Long-Term Rental.** Long-term rentals shall not be subject to the regulations applicable to short-term rentals.
- b. **Family Occupancy.** Any member of a family, as well as that family member's guests, may occupy a dwelling if that family member's family or an entity in which the family member has an ownership or control interest owns the dwelling and the occupancy is without remuneration to the owner.

- c. **House Sitting.** During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy with or without remuneration to the owner.
- d. **Dwelling Sales.** Occupancy of up to 29 days by a prior owner after the sale of a dwelling under a rental agreement following closing.
- e. **Estate Representative.** Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration.

Sec. 41-04. Registration.

- a. The owner of a short-term rental unit shall register it with the Township within thirty (30) days after the date of acquiring ownership or control of a previously registered short-term rental unit, or in the case of a newly constructed or converted short-term rental unit, before that short-term rental unit is occupied.
- b. To register a short-term rental unit, the owner shall truthfully provide and certify as true the following information on a form provided by the Township:
 - 1) Name, address, and telephone numbers of the owner and any agent for the owner.
 - 2) The street address of the short-term rental unit, along with other identification if more than one short-term rental unit has the same street address.
 - 3) The number of short-term rental units in the building, if more than one.
 - 4) The number of bedrooms in each short-term rental unit, and the intended number of occupants in each short-term rental unit.
 - 5) A scaled floor plans.
 - 6) A copy of the lease form containing the required disclosures including, but not limited to, the maximum occupancy load, off-street parking requirements, noise regulations and other ordinance requirements.
 - 7) Proof that the homestead exemption is legally appropriate or is not being claimed.
 - 8) 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 the conclusion of each rental.
 - 9) A statement certifying that each kitchen has a working fire extinguisher and that a working fire extinguisher is located near each outdoor cooking device.
 - a Statement certifying that the property owner consents to inspections by the Township and will make the dwelling unit available to inspections upon request.
 - b Any such other information as the Township requests.
- c. Pay an administrative fee, as set by resolution of the Township Board.
- d. If the owner of a short-term rental unit does not qualify as a local agent, the owner shall designate a local agent and authorize the agent in writing to act as the owner's agent for any acts required of the owner or the owner's agent under this ordinance. The name, address, telephone number(s) (local and cell phone), electronic mail address and other contact information of the designated local agent, and written authorization for that agent to act on the owner's behalf, including, without limitation, acceptance of service of legal papers on the owner's behalf, and the agent's written acceptance of that agency.
- e. The owner shall notify the Township in writing within 30 days of any change in the information provided on the registration form. The owner of a short-term rental unit shall notify the Township

in writing within ten days of any change in the designated local agent.

- f. No registration under this section will be accepted or processed for a property if the owner has been issued a municipal civil infraction citation for a violation of this ordinance regarding that property, pending final adjudication of that citation.

Sec. 41-05. Rental Requirements.

- a. No short-term rental unit may be occupied or advertised for rent unless the Township has issued a valid short-term rental unit permit pursuant to this ordinance.
- b. A short-term rental unit permit shall be issued only when all the requirements in this ordinance for short-term rental units, including registration and inspection, are met.
- c. Short-term rental unit permit contents and requirements:
 - 1. Each short-term rental unit permit shall indicate the maximum occupancy load. No owner, local agent, or tenant shall allow a rental unit to be occupied by more tenants than the number stated on the permit. The maximum occupancy load shall be stated in the lease and other rental documents.
 - 2. No short-term rental unit permit shall be valid until the appropriate fees are paid, in the amounts as set by ordinance.
 - 3. No short-term rental unit permit shall be issued to any owner unless that owner is current on the payment of all real property taxes, utility rates, fees, charges, special assessments and other amounts due to the Township. Delinquencies on any such payments to the Township, regardless of whether they relate to the rental unit for which a rental unit permit is sought, shall result in denial of the permit.
 - 4. A full-sized copy of the short-term rental unit permit shall be prominently displayed in each shortterm rental unit.
 - 5. Upon request by any tenant or prospective tenant, the owner or local agent shall provide the tenant or prospective tenant with a copy of the short-term rental unit permit, as well as a copy of the lease containing the required disclosures.
 - 6. A valid short-term rental unit permit may be transferred to a new owner of a short-term rental unit upon the Townships prior written consent once the new owner registers the short-term rental unit consistent with the requirements of this ordinance.
 - 7. A short-term rental unit permit shall be valid for one year from the date of the ~~inspection~~ ^{issuance} that found the rental unit in compliance, absent newly or later detected violations of the housing and property maintenance code, the fire code, this ordinance or other applicable laws and regulations, or a revocation of the permit pursuant to this ordinance within that time, and the expiration date shall be shown on the permit. A permit shall be valid for one year from the date of issuance, unless terminated due to a violation, and shall be renewed annually.

- d. Compliance with applicable housing and property maintenance codes, the fire code, this ordinance and other applicable laws and regulations shall be a condition of all short-term rental unit permits. Violations of any of those codes shall also be a violation of this ordinance.
- e. A land line is encouraged at each rental unit but is not required. The owner of each short-term rental unit must prominently display the address numbers on the mailbox, on the front of the unit and in a common area inside the unit along with other such descriptive information which, can be relayed to the 911 dispatch center in the case of an emergency.
 - f. Each short-term rental unit must have the necessary off-street parking at their location or within short walking distance to accommodate the renters' vehicles. Off-street parking shall be subject to compliance with the Zoning Ordinance.
 - g. No more than two occupants per bedroom, with an additional two occupants per finished floor, shall be allowed in the calculation of the maximum occupancy load of a short-term rental unit, regardless of the size of the bedroom.
 - h. **Note:** 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 Township or its agent has inspected the premises to verify that the attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code, and the applicable fire codes.
 - i. The owner of each short-term rental unit shall not advertise an occupancy load that is greater than the maximum occupancy load limit allowed by subsection g above.
 - 1) Insurance: Single-Family Dwellings used as Short-Term Rentals must have current homeowners' insurance with appropriate liability coverage.
 - j. Trash service must be provided at the rental property by the owner. Normal residential trash receptacles are permitted, however; 4-wheel rolling dumpsters are not. (See Sec. 01-07 "F" below)
 - k. Waterfront property STR's should include local lake usage guidelines and/or a "Good Neighbor Policy", which should be posted in a common area of the rental property.
 - l. The minimum rental term for STR's is two (2) days, with a maximum rental not to exceed 29 days or less.
 - m. A property boundary survey or map of the property should be included and posted at the STR, so the renter(s) are aware of the limits of the property.
 - n. Quiet hours for all Township STR's are set at 11:00pm to 7:00am and shall be observed by all occupants.

Sec. 41-06. Inspections.

- a. Before issuing or renewing a short-term rental unit permit, the Township or its agent shall inspect the short-term rental unit to determine whether it follows the housing and property maintenance code, the fire code, this ordinance, and other applicable laws and regulations. The cost of this inspection will be taken from annual registration fees.
- b. Upon notice from the Township or its agent, it shall be the owner's responsibility to schedule and allow the Township inspection of the short-term rental unit. When an inspection is required for the renewal of an existing permit, the owner shall schedule and permit that inspection no later than 20 days before the expiration of that permit. Inspections shall occur during the Township inspector's regular business hours unless the inspector agrees to other arrangements.
- c. If an inspection reveals that the short-term rental unit is not in compliance with the housing and property maintenance code, the fire code, this ordinance, and other applicable laws and regulations, the owner shall be provided a written list of deficiencies or violations that must be corrected before a permit is issued.
- d. The owner shall notify the Township in writing within 30 days if any of the items inspected pursuant to this ordinance are altered after inspection by the Township.
- e. The Township may conduct additional inspections as it deems necessary, upon a 20-day notice to the owner or agent, such as:
 - 1) When a complaint is filed with the Township; or the Township otherwise has reasonable cause to believe a rental unit is in violation of any township ordinance.
- f. For short-term rental units, between each short-term rental to a different tenant, the local agent shall inspect the premises shall ensure that all smoke detectors, carbon monoxide detectors, lights in common areas and stairways, egress doors, railings and all utilities are in a safe and working condition; any defects discovered shall be corrected promptly.
- g. If the Township becomes aware of code or other deficiencies or violations after the issuance or renewal of a permit, the Township may (upon verification) revoke the current permit and may also take any other action allowed by law.

Sec. 41-07 Safety Equipment.

- a. The owner of each short-term rental unit shall be responsible for the installation of smoke detectors/alarms in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) Standards 5 72.
- b. Smoke detectors/alarms shall be installed in the following locations: 1. In each sleeping room 3. On each additional story of the rental unit, including basements and cellars, but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

- c. The owner of each short-term rental unit shall be responsible for the installation of a carbon monoxide detector in each rental unit. All carbon monoxide detectors shall be of the type described in MCL 125.1504d. (see Sec. 01-04, G)
- d. The owner of each short-term rental unit shall be responsible for the installation of a fire extinguisher in the kitchen of each unit and near each outdoor cooking device. (See Sec. 01-04, H)

Sec. 41-08. Violations; revocation of registration.

a. Violations as municipal civil infractions. Any violation of a provision of this Ordinance or failure to comply with any of its requirements shall be a municipal civil infraction. Any person, firm, association, partnership, or corporation that violates any of the provisions of the Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by civil fine determined in accordance with the following schedule:

- 1) Short-term rental of unregistered dwellings. The operation of an unregistered Short-Term Rental is \$150 for a first violation and \$500 for each subsequent violation.

	<u>Minimum</u> Fine	<u>Maximum</u> Fine
1st Offense within 3-year period*	\$150.00	\$ 150.00
2nd Offense within 3-year period*	\$ 500.00	\$ 500.00
3rd Offense within 3-year period*	\$500.00	\$ 500.00
4th or More Offense within 3-year period*	\$500.00	\$ 500.00

* Determined on the basis of the date of commission of the offense(s).

- 2) All other violations (Noise/Nuisance/occupancy etc.) shall have the following fines:

	<u>Minimum</u> Fine	<u>Maximum</u> Fine
1st Offense within 3-year period*	\$100.00	\$ 150.00
2nd Offense within 3-year period*	\$ 250.00	\$ 500.00
3rd Offense within 3-year period*	\$400.00	\$ 500.00
4th or More Offense within 3-year period*	\$500.00	\$ 500.00

* Determined on the basis of the date of commission of the offense(s).

- 3) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Paw Paw Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, Paw Paw Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

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 violations (occurring on three separate days) within a calendar year.

The Owner or agent will be notified of a violation if one or more of the following occur:

- a. Any violation or provision of this Ordinance.
 - b. Any violation or provision of any other Township ordinance, Zoning Ordinance, or section of the Zoning Ordinance.
 - c. Any violation of any other local, state, or federal law or regulation.
- 2) Revocation Procedure: Upon a determination by the Township Ordinance Enforcement Officer that the Short-Term Rental registration is subject to revocation, the Ordinance Enforcement Officer 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, 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) (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 reregistered.

SECTION 2
REPEAL

All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3
SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. This Ordinance is to be construed as being consistent with State and Federal law and regulations.

SECTION 4
SAVINGS CLAUSE

Legal proceedings presently pending under the prior ordinance or any ordinance provision that is
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hereby repealed or replaced may proceed to judgment or decision and shall not be affected by this Ordinance.

SECTION 5
EFFECTIVE DATE

This ordinance shall take effect 30 days after adoption by the Township Board and publication thereof.

Rebecca Payne, Clerk
Paw Paw Township

I hereby certify the foregoing constitutes a true and complete copy of the ordinance adopted by the Paw Paw Township Board of Trustees, County of Van Buren, Michigan, at a meeting held on Monday, May 13th, 2024

Date: May 14th, 2024


Rebecca Payne, Paw Paw Township Clerk

This Ordinance amendment was published on May 23rd, 2024.