

**CITY OF SOUTH HAVEN
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. _____

**AN ORDINANCE TO ADD A NEW ARTICLE X TO CHAPTER 10 OF THE CODE OF
ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO REQUIRE REGISTRATION AND
OTHERWISE REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Addition. Chapter 10, Article X, entitled "Short-Term Rentals," is added to the Code of Ordinances, City of South Haven, Michigan, and shall read in its entirety as follows:

Chapter 10, Article X. Short-Term Rentals.

Sec. 10-241. Definitions.

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) *Bedroom* – A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.
- (b) *Compensation* – Money or other consideration given in return for occupancy, possession or use of a property.
- (c) *Dwelling* – A building containing one or more dwelling units.
- (d) *Dwelling unit* – A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.
- (e) *Good neighbor guideline materials* – Materials prepared by the City's Zoning Administrator that include: (1) a summary of the City's noise ordinance (chapter 30, article II), fireworks ordinance (section 54-167), trash disposal ordinances (chapter 30, article IV and Chapter 70), and applicable offenses against the public peace (chapter 54, article V), (2) a reminder that the rental property is located in a residential neighborhood and that neighbors may not be vacationing, and (3) a statement informing the renters that neighboring property owners may contact the local agent to report any issues relating to the property.
- (f) *Local agent* – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the City. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. The owner of the property may serve as the local agent so long as these criteria are met
- (g) *Occupant* – An individual at least six years of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental lease shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.
- (h) *Short-term rental* – The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. 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, and (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 health-care related facilities.
- (i) *Short-term rental unit* – A dwelling unit used for at least one short-term rental within a calendar year.

Sec. 10-242. Registration required.

- (a) *Registration required.* All short-term rental units in the City's B-3, R-1A, R-1B, R-1C, R-2, and RM-1 zoning districts shall be registered with the City. The owner of any unregistered dwelling unit that is leased for short-term rentals is in violation of this ordinance.
- (b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
 - (1) Truthfully provide and certify as true the following on a form provided by the City:
 - (A) Name, address, and telephone number of the local agent for the dwelling unit.
 - (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 dwelling units in the building, if more than one.
 - (D) The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
 - (E) The number of off-street parking spaces provided for the dwelling unit.
 - (F) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period.
 - (G) The length of the typical rental period for which the applicant intends to rent the property.
 - (H) 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 6 months.
 - (I) A statement certifying that the property owner consents to inspections by the City and will make the dwelling unit available to inspections upon request.
 - (J) A statement certifying that the property owner or a local agent will provide at least one copy of the City's good visitor guideline materials to the renters each time the dwelling unit is rented.
 - (K) Such other information as the City deems appropriate.
 - (2) Pay an administrative fee, as set by resolution of the City Council.
 - (3) Prove that the personal residence tax exemption is legally appropriate or is not being claimed.

Sec. 10-243. Short-term rental regulations.

- (a) *Local agent required.* All short-term rental units shall have a designated local agent.
- (b) *Contact information posted in window.* The local agent shall post a notice in a prominent first-floor window of any short-term rental unit stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the rental unit as permitted by this ordinance.
- (c) *Street address posted within unit.* The local agent shall post the street address of the property in at least two prominent locations within the 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.
- (d) *Maximum occupancy.*
 - (1) *Maximum occupancy established.* Except as otherwise provided in subsection (d)(2), the number of occupants in a dwelling unit during a short-term rental lease shall not exceed the lesser of: (i) 16 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 to the City's Planning Commission to have the maximum occupancy of a short-term rental unit in the RM-1, B-3, or R-2 zoning district increased to the lesser of: (i) 24 total occupants; or (ii) 2 occupants per bedroom. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission shall grant the application upon determining that subsections (d)(1)(A) and (d)(1)(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 Planning Commission with input from officials with expertise in fire safety.

(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.

(e) *Fireworks.* No fireworks shall be used on the premises of a short-term rental unit when it is occupied by anyone other than the owner.

(f) *Zoning compliance.* Short-term rentals are regulated in the South Haven Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.

Sec. 10-244. Violations; revocation of registration.

(a) *Violations as municipal civil infractions.* Any violation of the requirements of this article shall be a municipal civil infraction. Each day that a violation continues after the property owner or local agent is given notice of the violation constitutes a new 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 10-242(a) 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 10-243(d) is \$250 per violation of an occupant, and \$750 per violation of an owner or local agent.
- (3) *Other provisions.* Fines for other violations of this article are as follows: \$50 for a first offense, \$250 for a second offense, and \$500 for a third offense.

(b) *Revocation of registration.*

- (1) *Offenses warranting revocation.* The City may revoke the rental registration for any short-term rental unit which is the site of at least 3 separate incidents 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 this article (including but not limited to violations of the maximum occupancy limits).
- (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a short-term rental unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator may issue a notice to the property owner and the local agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent that a hearing may be requested to show cause as to why the registration should not be revoked. If a hearing is requested within 14 days of service of the notice, the City shall schedule a hearing before the City Manager 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 (e.g. the violation related to the conduct of a non-renter, etc.).
- (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.

Section 2. Publication and Effective Date. The City 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.

YEAS: _____
NAYS: _____
ABSTAIN: _____
ABSENT: _____

CERTIFICATION

This true and complete copy of Ordinance No. _____ was declared adopted at a Regular Meeting of the South Haven City Council held on _____, 2016.

Robert Burr, Mayor

Amanda Morgan, City Clerk

Introduced: _____, 2016
Adopted: _____, 2016
Published: _____, 2016
Effective: _____, 2016

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