

**2021 SHORT TERM RENTAL REGISTRATION ORDINANCE**

**ORDINANCE NUMBER 45A**

**Adopted: August 9, 2021**

**Published: August 12, 2012**

**Effective: September 12, 2021**

**AN ORDINANCE ESTABLISHING A REGISTRATION PERMIT FOR INDIVIDUALS, PARTNERSHIPS, CORPORATIONS, LIMITED LIABILITY COMPANIES OR OTHER ORGANIZATION THAT OPERATE SHORT- TERM RENTALS IN THE TOWNSHIP OF BAINBRIDGE, BERRIEN COUNTY, MICHIGAN**

**WHEREAS**, it is deemed necessary and appropriate to establish a process by which all individuals, partnerships, corporations, limited liability companies or any other organization doing a Short-Term Rental business in the Township of Bainbridge shall be registered with the Township Clerk, of the Township of Bainbridge, Berrien County, Michigan.

**WHEREAS**, Visitors to the Township who rent 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 Township.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**SECTION 1 - DEFINITIONS:** For the purposes of this Ordinance, the following words and phrases shall have the meanings respectfully ascribed to them:

**SHORT-TERM RENTAL:** The rental of a dwelling unit for compensation for a term of 2 nights to 29 nights, for no more than 6 short-term rental terms in a calendar year.

**SHORT-TERM RENTAL TERM:** The duration of a rental contract (including any sublease) with a renter or group of renters. A rental term shall be deemed to end when there is a complete turnover in occupancy in the dwelling unit, or when the individual on the rental contract vacates the dwelling unit.

**OCCUPANT:** For the terms of this Ordinance, an individual, at least 24 months of age, who is living in, sleep in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental 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.

**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.

**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 area; (3) gathering spaces such as family rooms, dens, or living rooms; and (4) attics or basements without egress meeting standards in applicable building, residential, and fire codes.

**LOCAL AGENT:** An individual designated to oversee the short-term rental of a dwelling unit in accordance with the article 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 dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

**TOWNSHIP:** Township of Bainbridge, Berrien County, Michigan.

**BUILDING OFFICIAL:** The official defined in MCL 338.2302, who is given authority to administer and enforce adopted building, electrical, mechanical, or plumbing codes for the Township of Bainbridge.

**BASEMENT:** That portion of a building, which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**SECTION 2 - REGISTRATION PERMIT REQUIRED:** It shall be unlawful for any person, in any capacity, including corporate, partnership, limited liability company, or individual sole proprietorship, to engage in a Short-Term Rental in the Township without having first obtained a registration permit, to be renewed Bi-Annually (every two years) on January 1<sup>st</sup>, or to violate the terms of any such permit, when granted.

**SECTION 3 - APPLICATION AND CONTENTS:** Application for a Short -Term Rental permit shall be made to the Township Clerk in writing, signed by the applicant if an individual, and signed by all partners if a partnership, or by a duly authorized officer thereof, if a corporation or limited liability company, verified by oath or an affidavit and shall contain:

- (1) the name, address, and telephone number of the applicant;
- (2) name, address, and telephone number of the local agent for the dwelling unit;
- (3) the address of the dwelling unit;
- (4) the number of bedrooms in the dwelling unit;
- (5) the number of off-street parking spaces;
- (6) the maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period;
- (7) the length of the typical rental period for which the applicant intends to rent the property;
- (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 least every 90 days;
- (9) other information as may be required by the Township Board of Trustees, and
- (10) an emergency contact person and phone number.

**SECTION 4 - APPLICATION, FEE FILING PROCEDURES, PERMIT:** An application for a Short-Term Rental registration permit shall be accompanied by an application fee in an amount to be determined by the Township Board of Trustees, from time to time by resolution, payable to the Township Clerk. Forms for registration shall be provided by the Township Clerk and completed applications kept on file also by the Township Clerk.

The Township Clerk shall issue a registration permit bearing the seal of the Township, name of the permittee, address, type of registration permit issued, the amount of fee paid, and any other information required by the Township Board of Trustees. The Township Clerk shall maintain a list of registration permits issued and provide a copy upon request to the general public.

**SECTION 5 – SHORT-TERM RENTAL REGULATIONS:** All Short-Term Rentals shall comply with the following regulations:

- (1) All dwelling units used for Short-Term Rentals shall have a designated local agent;
- (2) a notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals 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 dwelling unit as permitted by the Ordinance;
- (3) the street address of the property shall be posted in at least two prominent locations within the dwelling unit in order to assist occupant in directing emergency service personnel in the event of an emergency
- (4) the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of 16 total occupants or 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
- (5) the owner or local agent of a dwelling unit used for short-term rentals shall 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.
- (6) install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 124.1504 on each floor, and test such devices at least every 90 days to ensure that they are operational;
- (7) no fireworks shall be used on the premises of a dwelling unit registered under this ordinance when it is occupied by anyone other than the owner;
- (8) 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 egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.

**SECTION 6 - NONTRANSFERABLE:** No registration permit issued under the provision of this ordinance shall be transferable.

**SECTION 7 - SUSPENSION AND REVOCATION:** In addition to any other penalty imposed by this Ordinance or other Township Ordinance for violation of any provision of the Ordinance or regulation, a Short-Term Rental registration permit issued under the provision of this Ordinance may be suspended or revoked by the Township Board of Trustees after hearing. All orders suspending or revoking registration permits shall state the grounds, therefore, shall be signed and be subject to appeal to a court of competent jurisdiction.

**SECTION 8 - GROUND FOR SUSPENSION AND/OR REVOCATION:** The violation of any applicable section of this Ordinance, any other Township Ordinance or State law, shall constitute grounds for the suspension or revocation of a registration permit. The Township may revoke the Short Term 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 this ordinance, any other Township ordinances or State law.

**SECTION 9 – REVOCATION PROCEDURE:** Upon determination by the Zoning Administrator that the registration of a dwelling unit is subject to revocation, the Zoning Administrator shall issue a notice to the property owner and the local agent stating that the Township intends to revoke the Short-Term 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 are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the 3 requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (1) the violation was committed by a non-renter and the renter attempted to prevent or halt the violation; (2) the violation resulted from an act of God; or (3) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent and could not reasonably control.

**SECTION 10 - RENEWAL OF REVOKED PERMITS RESTRICTED:** No Short-Term Rental registration permit shall be issued to a person, firm, corporation, or limited liability company whose previous permit has been revoked, for period of one year from the date of such revocation. Said period shall be determined by the Township Board of Trustees.

**SECTION 11 - REGISTRATION PERMITS MUST BE IN EFFECT:** It shall be the absolute duty and irrevocable responsibility of the registrant to verify that all requirements of this Ordinance are lawfully in effect before commencing any business operation regulated by the terms of this ordinance.

**SECTION 12 - PENALTY:** Any violation of this Ordinance shall be a civil infraction and subject the violator to a fine of not more than \$100 per day of violation. Each day a violation exists shall constitute a separate offense.

**SECTION 13 - REPEAL OF CONFLICTING ORDINANCES:** All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 14 - SEVERABILITY:** This Ordinance and each of the various parts, subsections, sentences, phrases, clauses, and words are hereby declared to be severable. If any parts, subsection, sentence, phrase, clause, or word is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

**SECTION 15 - EFFECTIVE DATE:** This Ordinance shall become effective on September 12, 2021.

**SECTION 16 - ADOPTION:** Passed, adopted, and approved this 9 th day of August, 2021 by the Board of Trustees, Bainbridge Township, Berrien County, Michigan.

**BOARD OF TRUSTEES**

**BAINBRIDGE TOWNSHIP, BERRIEN COUNTY, MICHIGAN**

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Attest:

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Clerk

Resolution offered by Patty Hiler-Molter supported by John Yetzke to approve Ordinance 45A Registration of Short-Term Rental Business. The clerk called the roll.

VOTING IN FAVOR OF:     Trustee Donald Baiers  
                                  Trustee John Yetzke  
                                  Clerk Patty Hiler-Molter  
                                  Supervisor Rodney Winkel  
                                  Treasurer, Nancy Weber

VOTING AGAINST:         None

RESOLUTION CARRIED.

I hereby attest that the foregoing Ordinance was adopted by the Township Board of the Township of Bainbridge, County of Berrien, State of Michigan, at a regular meeting held on the 9th<sup>th</sup> day of August, 2021.

Dated:

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Patty Hiler-Molter  
Bainbridge Township Clerk

I further certify that the foregoing Ordinance was published and filed as follows:

Published In: Tri-City Record

Date of Publication: August 12, 2020

(Newspaper Proof of Publication Attached)

Dated:

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Patty Hiler-Molter  
Bainbridge Township Clerk