

REGISTRATION FORM

SHORT-TERM RENTAL DWELLING

Bainbridge Township – 7315 Territorial Rd. – Watervliet, MI 49098

For Information Call 269-468-8040

PROPERTY OWNER I.D. REQUIRED WITH REGISTRATION FEES (\$200.00) MUST BE SUBMITTED PRIOR TO INSPECTION

**A new rental is subject to an initial compliance inspection. (see AFFIDAVIT Item #3)*

PLEASE COMPLETE ONE (1) APPLICATION FOR EACH RENTAL UNIT

Dwelling Unit Address: _____ Unit # _____

New Rental: YES _____ NO _____

Renewal: YES _____ NO _____

Property Owner: _____

Owner's Address: _____

City: _____ State: _____ Zip: _____

Owners Phone & Email: _____ / _____

Principal Resident Exemption? (PRE) YES _____ NO _____

(Building Department will assist with any determinations and calculations below).

of dwelling units on site: _____

of bedrooms: _____

of occupied floors: _____

of days the unit was rented in the previous year: _____

of off-street parking spaces available on the site: _____

Maximum # of occupants proposed: _____
Term length (# of days) of typical anticipated reservation: _____

An "Agent" is required if the property owner does not reside within 45 miles of the Township. The "Agent" is required to live or work within 20 miles of the Township and shall also be verified by the Township.

Agent's Name (if other than owner): _____

Agent's Phone & Email: _____ / _____

Agent's Address: _____ City: _____ State/Zip: _____

Registration Fee Paid : _____ Date: _____
Receipt: _____

SHORT-TERM RENTAL Local Agent Designation and Authorization

Property Owner and Dwelling Unit Information

Dwelling Unit Address: _____
Property Owner's Name: _____

Local Agent Requirements

A "Local Agent" is an individual designated Bainbridge Township, 2021, Short-Term Rental Registration Ordinance, 45A. To serve as a Local Agent, an individual must live or maintain a physical place of business within 20 miles of the dwelling unit used for short-term rental. A property owner who meets these criteria may be the Local Agent.

Local Agent Information

Name: _____

Company Name: (if applicable) _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Authorization by Owner

I designate and authorize the Local Agent, named above, to act on my behalf regarding all duties imposed upon me by the Bainbridge Township Short -Term Rental ordinances and rules regulating the Short-Term Rental dwelling unit identified above. I also agree that I will notify the Township and the Local Agent, in writing, should I ever revoke this appointment, and no such revocation shall be effective until received by the Township.

Owner's Signature

Local Agent Acceptance

I accept the designation and authority noted above. I certify that the contact information is correct, and I agree that I will notify the Owner and the Township in writing in the event of any changes in that information or if I am no longer serving as Local Agent for the Short-Term Rental dwelling unit.

Owner's Signature

AFFIDAVIT

OWNER'S SIGNATURE: _____ **DATE:** _____

By signing above, the owner/agent of the dwelling unit certifies that all statements on the Application and Agent Designation and Authorization forms are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.

NOTICE: The issuance of a certificate of registration shall in no way impact the zoning of the subject property, and shall not prevent the Township from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code of the Township .

BAINBRIDGE TOWNSHIP RENTAL INSPECTION CHECKLIST

Zoning Compliance

1. Number of bedrooms
2. Number of parking spaces
3. Good Neighbor Guide (available for renters)
4. Rental Certificate in place (front window facing address side)

Building Code Compliance

1. Window fall guard protection devices for windows (<24" inside sill clearance and >6' drop outside window.)
2. All railings for stairways and decks shall be in place and stable
3. Outdoor and any kitchen or bathroom outlets are to be GFCI protected (NEC 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.)
4. All electrical service panels shall have circuits properly labeled in panel

Fire Code Compliance

1. Each bedroom shall have adequate egress according to the state building code.
2. Each dwelling unit shall have a) an operating smoke detector in each bedroom b) an operating carbon monoxide detector on each floor c) an operating smoke detector in each floor common area.
3. Addresses shall be prominently displayed on the front of the residence.

4. Furnaces, water heaters, and electrical panels shall be clear of any stored items by a minimum of 3 ft.
5. Any window wells having egress windows shall have an attached escape ladder if greater than 44 in. from grade to base of the well.

Other code violations may be addressed in the form of a suggestion as necessary.

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 1st, 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.

BAINBRIDGE TOWNSHIP GOOD NEIGHBOR GUIDE

Welcome to Bainbridge Township! We hope your stay here is enjoyable.

We are happy to host all visitors to our beautiful community! As visitors, please keep in mind that not all neighbors to this property are retired and many still work each day. Also, we are an active agricultural community with labor and equipment on the move on a daily basis. Roads are used by large farm tractors, semis, & buses, and we are known to employ large scale irrigation equipment, large air blast sprayers, and occasional aerial spraying as conditions warrant. When traveling by car, motorcycle, or bicycle please keep in mind that you need to be mindful of your surroundings when traveling on local roads due to the nature of traffic you may encounter on any given day. *AG equipment typically has the right of passage as they are not as maneuverable as passenger vehicles (be cautious when passing as they may not be able to see you clearly).

Please avoid loud music or other activities which could impact your neighbor's enjoyment of their own property or disturb their rest, especially after 9 pm.

Keep all trash picked up and properly contained in trash bins (with closed lids).

***Use of fireworks is not permitted unless the property Owner is on site for their own family entertainment.**

Adjacent property IS NOT INCLUDED in your rental and trespassing is forbidden.

Crops can be damaged from foot traffic, many spray applications can be hazardous, and certified organic farming has strict protocol regarding who is on a property and what possible contaminants are brought onto it (food waste, smoking, cigarette, or cigar butts, etc.). During the months of October and November many properties are actively hunted, and this is not only a danger to those coming into the hunting area, but also disturbs the habitat for the hunter.

