



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
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ORDINANCE 2023-02

VILLAGE OF BREEDSVILLE VAN BUREN COUNTY, MICHIGAN Short-Term Rentals Ordinance.

THE VILLAGE OF BREEDSVILLE ORDAINS:

Short-Term Rentals Ordinance.

SECTION 1: Purpose.

The Village finds that the short-term rental of dwellings and dwelling units within the Village of Breedsville is a matter closely connected with the public health, safety, and welfare of the community. The Village Council has enacted this regulatory 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 dwellings and dwelling units.

While visitors to the community who rent dwellings and dwelling units 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 article is intended to strike the appropriate balance between competing interests.

SECTION 2: 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; (3) gathering spaces such as family rooms, dens, or living rooms; and (4) attics or basements without egress meeting standards in applicable buildings, residential, and fire codes.
- (b) *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 Village of Breedsville.

- (c) *Compensation* - Money or other consideration is given in return for occupancy, possession or use of property.
- (d) *Dwelling*-A building containing one or more dwelling units.
- (e) *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.
- (f) *Fire Chief*- The chief designated by the Breedsville Areas Emergency Services Authority.
- (g) *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 Village. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.
- (h) *Newly constructed dwelling unit* - Any dwelling unit the initial construction of which was completed after January 1, 2023.
- (i) *Newly enlarged dwelling unit* - Any dwelling unit to which improvements made to increase the size of the dwelling unit were completed after January 1, 2023.
- (j) *Occupant* - An individual sleeping in, or otherwise having possession of 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.
- (k) *Residential property*-A lot or parcel within any of the R-1 zoning districts.
- (l) *Short-term rental* - The rental of a dwelling unit for compensation for a term of 2 nights to 29 nights.

SECTION 3: Registration required.

- (a) *Registration required.* All dwellings used for short-term rentals shall be registered with the Village. The short-term rental of an unregistered dwelling unit is prohibited.
- (b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
 - (1) Provide and certify as true the following on a form provided by the Village:
 - (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 90 days.
- (i) A statement certifying that the property owner consents to inspections by the Village and will make the dwelling unit available to inspection upon request.
- (j) Such other information as the Village deems appropriate.

(2) Pay an administrative fee, as set by resolution of the Village Council

SECTION 4: Short-term rental regulations.

- (a) *Local agent required.* All dwelling units used for short-term rentals shall have a designated local agent.
- (b) *Contact information posted in the window.* 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 this ordinance.
- (c) *Street address posted within the dwelling unit.* The street address of the property shall be posted in at least two prominent locations within the dwelling 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.* Beginning January 1, 2023, the maximum occupancy of any dwelling unit used for short-term rentals shall be calculated as follows:
 - (1) *Maximum occupancy established.* Except as otherwise provided in subsection (2) or (d)(3), the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of: (i) 10 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) *Newly constructed, newly enlarged, and newly rented dwelling units.* For newly constructed, newly enlarged, or newly rented dwelling units on residential property, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of: (i) 10 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.

- (e) *Smoke detectors and carbon monoxide devices.* The owner or local agent of a dwelling unit used for short-term rentals shall:
- (1) 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.
 - (2) Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor, and test such devices at least every 90 days to ensure that they are operational.
- (f) *Fireworks.* 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.
- (g) *Attics and basements.* 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 Village, in writing, consent for the Village 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 5: Violations; revocation of registration.

- (a) *Violations as municipal civil infractions.* Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate 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 3(1) is \$750 for the first violation and \$1,500 for each subsequent violation.
 - (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 4(d) is \$750 for a first offense and \$1,500 for each subsequent offense.
 - (3) *Other provisions.* Fines for other violations of this article are as follows: \$100 for a first offense, \$750 for a second offense, and \$1,500 for each subsequent offense.
- (b) *Revocation of registration.*
- (1) *Offenses warranting revocation.* The Village may revoke the 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 one or more of the following:

- (a) Any provision of this article.
 - (b) Village Code - Noise.
 - (c) Village Code - Unwholesome Substances (Junk, Rubbish, and Noxious Weeds).
 - (d) Village Code - Offenses Against Public Peace.
- (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator shall issue a notice to the property owner and the local agent stating that the Village intends to revoke the 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 Village shall schedule the hearing 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. 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 or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.
- (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.

VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause, is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected hereby. The Village of Breedsville Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof, irrespective of the fact that any one or more part, sections, subsections, phrases, sentences, or clauses be declared invalid.

CERTIFICATION

I further certify that trustee W. Yeager moved for adoption of said Ordinance 2023-02, that trustee T. Weniger, seconded said motion.

I further certify that the following Trustees W. Yeager, T. Weniger, P. Cooley, L. Weniger, President S. Rogusta voted for adoption of said Ordinance: 2023-02, and that the no members_voted against such Ordinance:

I further certify that said Ordinance No 2023-02 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President, and Village Clerk.

Steven Rogusta
Village President

Linda Norton
Village of Breedsville, Clerk

I do hereby certify that a synopsis of this Ordinance No. 2023-02, in accordance with statutory requirements, was published on January 14, 2023, in the Van Buren Reminder, a copy of which is attached hereto.

Linda Norton
Village of Breedsville, Clerk

