

VILLAGE OF STEVENSVILLE
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 060523-1

AN ORDINANCE TO AMEND SECTIONS 6-96, 6-97, 6-106, AND 6-109, AND TO REPEAL SECTION 6-111, OF THE VILLAGE OF STEVENSVILLE CODE OF ORDINANCES TO UPDATE REGULATIONS REGARDING SHORT-TERM RENTAL UNITS

The Village of Stevensville Ordains:

Section 1. Amendments. Sections 6-96, 6-97, 6-106, and 6-109 of the Village of Stevensville Code of Ordinances are amended to read as follows:

Sec. 6-96. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AFFIDAVIT OF COMPLETION — Means the properly completed statement affirming that all code deficiencies or violations identified on a provisional rental occupancy permit have been corrected in compliance with the housing and property maintenance code, that statement to be on a form to be provided by the Village.

AGENT — Means the property manager or other individual or entity representing the owner of a rental unit.

GOOD NEIGHBOR BROCHURE — Means materials prepared by the Village that include: (1) a summary of potentially relevant Village ordinances pertaining to residential living, (2) a reminder that the rental property may be located in a residential neighborhood, and (3) a statement informing the renters that neighboring property owners may contact the local agent and local police to report any issues relating to the property.

HOUSING AND PROPERTY MAINTENANCE CODE — Means the International Property Maintenance Code, as adopted by the Village trustees.

IMMEDIATE FAMILY — Means spouses, children, stepchildren, brothers and sisters, half brothers and half sisters, parents and stepparents.

LOCAL AGENT — An individual designated to oversee a short-term rental 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 20 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

MAXIMUM OCCUPANCY LOAD — Means the maximum number of tenants permitted to reside in a rental unit. For long-term rentals, the maximum occupancy load is determined by the Village building inspector or zoning administrator pursuant to applicable building, construction and property maintenance codes, the Village zoning ordinance, and this article. For short-term rentals, the maximum occupancy load is calculated as provided in Section 6-106.

OCCUPANT — An individual at least 24 months 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 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.

OWNER — Means the individual or entity who is the legal or equitable titleholder and/or who controls the premises occupied by one or more rental units.

PERMIT — Means rental unit permit or provisional rental unit permit.

PROVISIONAL RENTAL UNIT PERMIT — A written statement issued by the Village indicating that the rental unit identified thereon is substantially but not entirely in compliance with the housing and property maintenance code. The provisional rental unit permit shall identify any deficiencies or violations that must be corrected, and shall state the date on which the provisional rental unit permit shall expire if those deficiencies or violations are not corrected.

RENTAL UNIT — Means any residential dwelling which is in whole or in part occupied by one or more persons pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. The term "rental unit" includes single-family, two-family and multiple-family dwellings, short term rentals and roominghouses or boardinghouses. The term "rental unit" shall not include transient dwelling structures such as hotels, motels, or bed-and-breakfasts, and shall not include dwellings that are occupied only by members of the owner's immediate family.

RENTAL UNIT PERMIT — Means a written document issued by the Village indicating that the rental unit identified thereon is then in compliance with the housing and property maintenance code. A rental unit permit shall be valid for two years from the date of the inspection that found the rental unit in compliance, absent new or later-detected violations of the housing and property maintenance code, this article or other applicable laws, rules or regulations, or a revocation of the permit pursuant to this article within that time, and the expiration date shall be shown on the permit.

SHORT-TERM RENTAL — Means the rental of any rental unit for a term of less than one month, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult-foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units. Further, developments which consists of 5 or more units on a single lot that are rented on a short-term basis shall be deemed to be and must be approved as hotels or motels, not short-term rentals.

SHORT-TERM RENTAL UNIT, INVESTER-OWNED — A short-term rental unit that is not the principal residence of the owner, meaning that it is a location where the owner does not reside for at least half of the year. If the unit has not been issued a personal residence exemption by the Village Assessor, there shall be a rebuttable presumption that it is investor-owned for purposes of this ordinance.

SHORT-TERM RENTAL UNIT, OWNER-OCCUPIED — A short-term rental unit that is the principal residence of the owner, meaning the location where the owner resides for at least half of the year. If the unit has a personal residence exemption issued by the Village Assessor, there shall be a rebuttable presumption that it is owner-occupied for purposes of this ordinance.

TENANT — Means any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit.

VILLAGE — Means the department, officer or individual designated by the Village Manager or Village trustees to administer all or any part of the registration and inspection programs under this article.

Sec. 6-97. Registration.

- (a) The owner of a rental unit shall register said rental unit with the Village within 10 days after the date of acquiring ownership or control of a previously registered rental unit, or in the case of a newly constructed or converted rental unit, before that rental unit is occupied.
- (b) To register a rental unit, the owner shall:

- (1) Truthfully provide and certify as true the following information on a form provided by the Village:
 - a. Name, address, telephone numbers (local and cell phone if applicable), electronic mail address, and other contract information of the owner and/or any agent of the owner. For short-term rentals, the agent must qualify as a local agent as provided in this chapter.
 - b. The street address of the rental unit, along with other identification if more than one rental unit has the same street address.
 - c. The number of bedrooms in each rental unit, and the intended number of occupants in each rental unit.
 - d. A scaled floor plan.
 - e. A copy of the lease form containing the required disclosures including, but not limited to, the maximum occupancy load, off-street parking requirements, the local land line telephone number of the unit, (if applicable), noise regulations and other ordinance requirements.
 - f. Proof that the personal-residence (homestead) exemption is legally appropriate or is not being claimed.
 - g. A statement certifying that the owner(s) consent to inspections by the Village and that the owner(s) or agent will make the dwelling unit available to inspections upon request.
 - h. A statement in the application form detailing:
 1. The term of the rental (daily, weekend, weekly, etc.).
 2. The maximum occupancy load.
 3. Whether the owner wishes to register the unit as an owner-occupied short-term rental unit or as an investor-owned short-term rental unit.
 - i. Such other information as the Village requests.

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

- (c) An owner shall notify the Village in writing within 30 days of any change in the information provided on the registration form. An owner of a short-term rental unit shall notify the Village in writing within 10 days of any change in the designated local agent.
- (d) An owner shall notify the Village in writing within 30 days if any of the items inspected pursuant to this article are altered after inspection by the Village.

Sec. 6-106. Short-term rental requirements.

- (a) 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 article.
- (b) The owner of each rental unit, when used as a short-term rental, must prominently display in the unit a notice indicating the unit's street address, municipality, and other such descriptive information which, if relayed to the 911 dispatch center, would allow emergency responders to quickly locate and enter the rental unit, and further recommending that tenants who use communication devices that may be used to summon aid in an emergency register those devices to the rental unit's location if appropriate.
- (c) Each short-term rental unit must have a minimum of one off-street parking space for each occupant's vehicle in addition to any other spaces required under applicable laws, rules and regulations for any other uses in the building or on the premises.

- (d) The owner of each short-term rental unit must, when the rental unit is used as a short-term rental, prominently display a full-size copy of the rental unit permit or current provisional rental unit permit in each rental unit.
- (e) The owner or local agent of each short-term rental unit must, before any rental unit is occupied as a short-term rental, provide a copy of the Village's good neighbor brochure.
- (f) The owner or local agent of each short-term rental unit shall provide his or her name and phone number to the owner of adjacent parcel that share a boundary line with, or is directly across the street from, his or her short-term rental unit.
- (g) The number of occupants in a dwelling unit (the maximum occupancy load during a short-term rental) shall not exceed the lesser of: (i) 12 total occupants; or (ii) 2 occupants per bedroom.
- (h) It shall be unlawful to advertise an occupancy load that is greater than the maximum occupancy load limit.
- (i) It shall be unlawful to advertise any dwelling unit that does not have a short-term rental permit for rent for a period of less than one month.
- (j) It shall be unlawful to let or occupy any short-term rental unit in the Village when such unit has not been issued a short-term rental permit. In any prosecution or action to determine a violation of this section, the following shall apply:
 - (1) Advertising that offers a property as a short-term rental home shall constitute prima facie evidence of short-term rental activity involving the property and the burden of proof shall be on the property owner or other defendant to establish that the subject property has not been used for short-term rentals.
 - (2) Any communication in which a person offers a dwelling unit for rent for a term of less than one month shall constitute prima facie evidence of short-term rental activity and the burden of proof shall be on the property owner or other defendant to establish that the subject property had not been used for short-term rentals.
- (k) Short-term rental occupants and guests shall comply with any ordinance in the Village pertaining to noise, fireworks, trash disposal, open burning regulation, applicable offenses against the public peace, and any other applicable ordinances or laws. A violation of any of the foregoing shall also be a violation of this section.

Sec. 6-109. Penalties and remedies.

- (a) Persons violating any provision of Sections 6-97 through 6-108 including any owner or occupant of a rental unit, shall be responsible for a municipal civil infraction punishable as provided in this article and Section 1-15. A court may order compliance with this article and as provided by law with respect to its authority for municipal civil infractions.
- (b) For all rental units, the following shall apply:
 - (1) If, on three or more occasions within two consecutive calendar years, an owner or local agent is found by a court to be responsible for a violation of this article, the zoning administrator shall issue a notice of rental permit revocation, that revocation to be for a period of one year. This notice shall notify the owner that the owner can request a hearing to show cause why the permit should not be revoked or the period of revocation should be shortened. If, within seven days of service of the notice, the owner requests a hearing in writing, the zoning administrator shall schedule a hearing before the Village Manager and notify the owner in writing of a time and place for that hearing.

- (3) Fines for civil infraction violations of this article shall be \$100 per occurrence for the first offense, \$500 for a second offense within two calendar years of a prior offense, \$1,000 for a third offense within two calendar years and \$2,500 for each subsequent offense within two calendar years even if it occurs at the same time as another offense. Each day that a violation continues shall be a separate offense. In addition to a fine, the property owner shall be liable for costs to which the Village has been put in enforcing this article which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction up to the entry of judgment as allowed by MCL 600.8727(3).
- (c) An owner shall notify the Village in writing within 30 days of any change in the information provided on the registration form. An owner of a short-term rental unit shall notify the Village in writing within 10 days of any change in the designated local agent.
- (d) An owner shall notify the Village in writing within 30 days if any of the items inspected pursuant to this article are altered after inspection by the Village.

Section 2. Repealer. Section 6-111 of the Village of Stevensville Code of Ordinances is hereby repealed.

Section 3. Effective Date. This ordinance shall become effective either 20 days after adoption or upon publication, whichever occurs later.

YEAS: Binkley, Peters, Schewe, Wenger

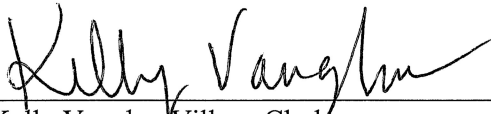
NAYS: None

ABSTAIN: None

ABSENT: Mason, Patterson, Steinberger

CERTIFICATION

As the duly appointed Clerk of the Village of Stevensville, Berrien County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Stevensville Village Council at its meeting of June 5, 2023.


 Kelly Vaughn, Village Clerk

Adopted: June 5, 2023
 Published: June 15, 2023
 Effective: June 25, 2023