

CATO TOWNSHIP SHORT TERM RENTALS

Sec. 1. Purpose.

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Cato Township is a matter closely connected with the public health, safety, and welfare of the community. The Township Board has enacted this 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 Single-Family Dwellings. While visitors to the community who rent Single-Family 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 wellbeing of all in the community. This Ordinance is intended to strike a balance between competing interests.

Sec. 2. Definitions

- Short-Term Rental. The Rental or subletting of a Single-Family Dwelling for compensation for not more than 27 nights. However, the **lawful** rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, 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, other similar healthcare related facilities.

- Single-Family Dwelling Owner. A person holding legal or equitable title to a Single-Family Dwelling. An Owner may designate an agent to perform duties or receive notice.

-Rent or Rental. The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the Owner for a period of time to a person who is not the Owner, pursuant to a written or verbal agreement.

Single-Family Dwelling- Shall have the same definition as in the Cato Township Zoning Ordinance.

Sec. 3. Registration

A. Registration required.

(a) Annual Registration required. All Short-Term Rentals must be registered with the Township. No Single-Family Dwelling may be used as or advertised for a Short-Term Rental unless registered in accordance with this Ordinance. **A change in ownership will require registration under the new owner's name.**

(b) Application. To register a Short-Term Rental, the Owner shall satisfy the following requirements.

(1) The Owner shall provide and certify as true the following on a form provided by the Township:

(A) Name, address, and telephone number of the Owner of the Single-Family Dwelling to be used as a Short-Term Rental.

(B) Other information as the Township Board deems appropriate.

(2) An Owner who wishes to rent or advertise a Single-Family Dwelling as a Short-Term Rental must register the Single-Family Dwelling for each calendar year during which the rental or advertisement shall occur. The Owner shall pay an annual administrative fee, the amount of which shall be established by motion or resolution of the Township Board. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after the effective date of this Ordinance without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by motion or resolution of the Township Board. **Such Owner may also be subjected to a fine and injunctive relief.**

(3) Any updates or modifications to the information contained in the STRU Registration Application must be conveyed to the Township.

B. Short-Term Rental Regulations.

Single-Family Dwellings used as Short-Term Rentals are subject to the following requirements and performance standards.

(a) *Street address posted within the Single-Family Dwelling.* The street address of the property shall be posted in at least two prominent locations within the Single-Family Dwelling 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.

(b) *Maximum occupancy.* Beginning the effective date of this Ordinance the maximum occupancy of any Single-Family Dwelling used as a Short-Term Rental shall be as follows.

(1) Maximum occupancy in a Single-Family Dwelling used as a Short-Term Rental shall not exceed the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other local, state, or federal requirements.

(2) In addition to the maximum occupancy specified in subsection (1) above, a Single-Family Dwelling used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 1.5 times the maximum number of occupants allowed by subsection (1). A fractional number of people allowed shall be rounded up to the nearest whole number.

(c) *Smoke detectors and carbon monoxide devices.* Single-Family Dwellings used as Short-Term Rentals must possess:

(1) Operational smoke detectors in each bedroom, which must be tested at least every 90 days to ensure that they are properly functioning; and

(2) At least one operational and approved carbon monoxide device of the type described in MCL 125.1504 on each floor, which must be tested at least every 90 days to ensure proper functioning.

(d) *Insurance.* Single-Family Dwellings used as Short-Term Rentals must be insured by a comprehensive rental dwelling insurance policy with coverage of at least \$1,000,000.00. The Owner shall provide to the Township confirmation of the existence of the insurance each time the Short-Term Rental is registered with the Township.

(e) *Notice of Township Rules and Policies.* Renters of Single-Family Dwellings used as Short-Term Rentals must be provided copies of or information regarding the following:

(1) Information on how to access the Township Zoning Ordinance;

(2) Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitations on day-time visitors per subsection (b)(2) above, and common areas which are available for the renters' use; and

(3) Water safety information.

(f) *Notice of emergency numbers and addresses.* The street address and phone number of the nearest hospital must be made available in the Short-Term Rental in an easily accessible location. The Owner must notify Renters, upon or prior to their arrival, of the location of this information.

(g) *Adequate trash receptacles.* Single-Family Dwellings used as Short-Term Rentals must have a minimum of one large container of at least 90 gallons. **Trash must be kept in a closed container and disposed of on a regular weekly schedule by a licensed waste hauler.**

(h) *Reflective address signs.* The Owner must post a reflective address sign on or near the mailbox of the Short-Term Rental. The sign must meet all of the following requirements:

(1) The street number must be in reflective, white numbers at least 3 inches in height and visible.

(2) The sign must be mounted to a post or a mailbox.

(3) The sign must be plainly visible from either direction of approach to the driveway.

(4) The sign must be adjacent to the driveway it services.

(i) Structures shall be properly maintained and kept in good repair, in order that the use activity in no way detracts from the general appearance of the neighborhood.

(j) Zoning compliance. Nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.

(k) Parking. All parking for Short-Term Rental shall be limited to Parking Spaces available on the premises of the STR, including the parking of motor vehicles, RVs, boats and utility trailers.

C. Violations; revocation of registration.

(a) Violations as municipal civil infractions. Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation.

Notwithstanding any other Township ordinance, violations of this Ordinance are subject to the following fines:

(1) Short-term rental of unregistered dwellings. Unregistered Short-Term Rentals will receive one notice of noncompliance with a 30-day grace period to become registered pursuant to this Ordinance. If failure to become registered upon expiration of the 30-day grace period, the unregistered Short-Term Rental will be fined \$250 per day.

(2) Maximum occupancy. The fine for exceeding the maximum occupancy permitted for a Short-Term Rental is \$500 for a first offense and \$1,500 for each subsequent offense; and

(3) Other provisions. Fines for other violations of this Ordinance are \$100 for a first offense, \$500 for a second offense, and \$1,500 for each subsequent offense.

(b) Revocation of registration.

(1) Offenses warranting revocation. The Township may revoke the rental registration for any Single-Family Dwelling used as a Short-Term Rental which is the site of at least three separate incidents, occurring on three 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 or any renter for a violation of one or more of the following:

(A) Any provision of this Ordinance;

(B) Any provision of any other Township ordinance, including its Anti-Noise Ordinance, Zoning Ordinance, and any other Township ordinance, section of the Zoning Ordinance, or permit or approval process; or

(C) Any violation of any other local, state, or federal law or regulation.

(2) Revocation procedure. Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator shall issue a notice to the Owner that the Township intends to revoke the rental registration. The notice shall inform the Owner of their 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 in writing of a time and place for that hearing. At the hearing, the Owner may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the Owner 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 could not reasonably anticipate and prevent or could not reasonably control. ALL HEARING REQUESTS MUST BE HAND WRITTEN AND MAILED OR DELIVERED TO THE CATO TOWNSHIP HALL WITHIN 14 DAYS OF THE SERVICE OF THE NOTICE.

(3) Revocation period and effect. Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year and cannot be used for Short-Term Rentals until re-registered.

(4) In addition to the remedies provided for in this Ordinance, the Township may also (or in the alternative) seek injunctive relief for abatement of the violation in a court of competent jurisdiction.

Sec. 4. Effective Date.

This Ordinance shall take effect thirty (30) days after publication as required by law.

Sec. 5. Severability.

The provisions of this Ordinance are declared to be severable, and if any section, clause, provision, sentence, or word is declared void or unenforceable by any court of competent jurisdiction for any reason, that finding shall not affect any other portion of this Ordinance.

Sec. 6. Repealer.

Any Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.