

New Buffalo Township Berrien County, Michigan

Residential Rental and Short Term Rental Licensing Ordinance

Ordinance No. 2019 08 19a

Adopted: 2019 08 19

Published: 8-29-19

An ordinance to provide for the annual licensing of residential rental and short term rental property within New Buffalo Township and to create a procedure for the procurement of such licenses; to create certain conditions for the issuance of the licensing relating to its duration, to create restrictions on the transfer of the license, to the revocation of the license for noncompliance with this ordinance; to exempt nursing homes, hotels or motels with daily rentals from registration and licensing under this ordinance; to provide penalties for the violation thereof and to repeal all ordinance or parts of ordinances in conflict herewith.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN
ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the New Buffalo Township Residential Rental and Short Term Rental Licensing Ordinance.

Section 2. Definitions

RESIDENTIAL RENTAL - Any building, structure, room, enclosure, or mobile home including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters for a period of 30 consecutive days or more. Residential rental property does not mean nursing homes, hotels or motels with daily rental units, all of which shall be exempt from registration and licensing under this section.

RESIDENTIAL SHORT TERM RENTAL – Any building, structure, room, enclosure, or mobile home including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters for a period of less than 30 consecutive days. Residential short term rental property

does not mean nursing homes, hotels or motels with daily rental units, all of which shall be exempt from registration and licensing under this section.

PERSON – An individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

ENFORCEMENT OFFICER – Any person designated by the Township to perform inspections and determine compliance with the applicable rules, standards, statues, and ordinances.

Section 3. Purpose

The purpose of the ordinance is to create an organized inspection program of residential rental and short term rental units within New Buffalo Township in order to establish an enforcement minimum standard for rental units to meet Township and State of Michigan, health, fire, and zoning codes and to provide a more efficient system to ensure that rental property is properly maintained. The Township recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental and short term rental units within New Buffalo Township so that orderly inspections can be undertaken.

Section 4. License Requirements

No person may commence or continue a rental, as herein defined, within the Township without having first obtained a Township license therefore as hereinafter provided and without maintaining such licensing in current effect during any business operation or activity.

Section 5. Procurement Procedure for License

No license to commence or continue a residential rental or short term rental shall be issued until the owner or operator thereof shall have first submitted an application to the licensing agent of the Township on a form provided by the licensing agent for such purposes. A fee as established by the Township shall accompany the application. Upon filing of the properly completed application and payment of the fee, the licensing agent shall review the application and schedule the required inspection of the residential rental or short term rental to determine whether there is compliance with all applicable laws, ordinances, rules and regulations relating to health sanitation, building, zoning, fire code and all other applicable regulations and requirements of the Township and State of Michigan at the site. Upon final approval of the inspection the Township will issue a license to the person to commence or continue the rental designated in said application if the rental premises complies with the terms of this ordinance.

Section 6. Conditions of License

The license issued under this ordinance shall be effective from the date of approval for a period of 36 months.

No license may be transferred by the holder to any other person except upon prior approval of the Township. The licensing agent shall have right of inspection of the rental premises to assure compliance with this ordinance. In the event of any noncompliance with the provisions of this ordinance after a license has been issued, the same may be revoked by order of the licensing agent until the noncompliance has been corrected as determined by said agent.

Section 7. Exemptions

No license shall be required of nursing homes, hotels or motels with daily rentals.

Section 8. Penalty Clause

- A. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with the appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction pursuant to MCL 600.8727.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

Section 9. Severability Clause

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or enforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 10. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Effective Date

This Ordinance shall take effect the 31st day after publication.

Section 12. Publication, Recordation

This ordinance or a summary shall be published as required by law in a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

The above ordinance was offered for adoption by the Township Board Member Zabicki and seconded by Township Board Member Heit, the roll call vote being as follows:

Name	Yes	No
Michelle Heit	<u>X</u>	_____
Judith Zabicki	<u>X</u>	_____
Jack Rogers	<u>X</u>	_____
Pete Rahm	<u>X</u>	_____
Patty Iazzetto	<u>Absent</u>	_____

THE BOARD SUPERVISOR DECLARED THIS ORDINANCE ADOPTED THIS 19 DAY OF August, 2019.

CERTIFICATION

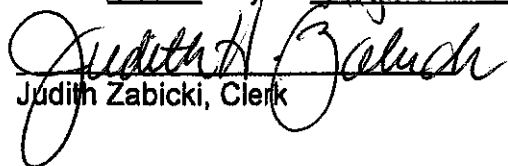
I certify that the foregoing is a true and complete copy of the Residential Rental and Short Term Rental Licensing Ordinance adopted by the Township Board at a meeting held on the 19 day of August, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: August 19, 2019


Judith Zabicki, Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the New Buffalo Times, on the 19th day of August, 2019.


Judith Zabicki, Clerk