

VILLAGE OF MICHIANA
COUNTY OF BERRIEN
STATE OF MICHIGAN

Ordinance No. 2025- 01

An Ordinance to restate and revise Ordinance No. 2019-04 to provide for the regulation of rental properties and to limit the number of short-term rental properties within the Village of Michiana for the benefit of the health, safety, and welfare of the general public.

THE VILLAGE OF MICHIANA ORDAINS:

§ 260-1. Purpose.

The Village Council finds that the short-term rental of dwellings within the Village of Michiana is a matter closely connected with the public health, safety and welfare of the community. The Village Council has enacted this regulatory article to strike an appropriate balance between the interests of community residents, visitors to the community, and real property owners wishing to engage in short-term rental of dwellings. While visitors to the community 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 to maximize the safety and well-being of all in the community. This ordinance is intended to strike the appropriate balance between competing interests.

§ 260-2. Definitions.

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

BEDROOM — A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling by one or more functional doors. The following spaces, which must be included in every dwelling, 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 building, residential, and fire codes. "Bedroom" as defined by Berrien County Health Department when determining septic system size for a home shall be the determining ruling for what defines a bedroom. When contested, the Berrien County Health Department, at the owner's expense, will inspect the property and determine the number of bedrooms per the septic system of the property.

BUILDING OFFICIAL — The official defined in MCLA § 338.23021 who is given authority to administer and enforce adopted building, electrical, mechanical, or plumbing codes for the Village of Michiana.

CODE ENFORCEMENT OFFICIAL — An individual appointed by the Village Council or its President to enforce the Village ordinance regarding the registration and regulation of the rental properties for the benefit of the health, safety, and welfare of the general public in the Village of Michiana. The individual, appointed at the discretion of the Village Council or its President, shall receive fees for the inspection, reinspection, complaint inspection, and billable court time. The Village reserves the right to increase or decrease the payable duties at any time under this article. When working in his/her appointed role for the Village, the Code Enforcement Official will be provided insurance coverage pursuant to the general liability policy of the Village of Michiana.

COMPENSATION — Money or other consideration given in return for occupancy, possession or use of a property.

DWELLING — A building, commonly referred to as a single-family home, designed for human occupancy that provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation. Any secondary structure, whether attached or detached from the primary residence, cannot be rented the primary residence.

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

MINIMUM RENTAL PERIOD — No rental agreement shall be for less than a six-night minimum stay beginning May 1st through September 30th, with a two-night minimum stay requirement at all other times of the year.

OCCUPANT/RENTER — An individual, which shall include children over two years of age, who lives in, sleeps in, or otherwise possesses a space or dwelling, regardless of whether legal relationship of the owner/agent exists. An individual present in a dwelling 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 of 8:00 a.m. Eastern time and 11:00 p.m. Eastern time and will not stay overnight.

OFF STREET PARKING — Parking in a garage, driveway, on site or on the Village easement directly in front of the site so long as it is off the roadway not impeding the flow of traffic. A parking space must be at least nine feet wide and 19 feet long. Two spaces must be

provided in every instance of rental, and one additional space must be provided for every four occupants/renters. Parking on the front or side area beyond the Village easement is strictly prohibited at any time.

RESIDENTIAL PROPERTY — A lot or parcel within any of the Village's residential zoning districts.

SHORT-TERM RENTAL — The rental of a dwelling for compensation under the terms of this ordinance for any period of time under 30 days. 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, and other similar health-care-related facilities shall not be considered short-term rentals.

§ 260-3. Annual rental registration application.

All dwellings on residential property used for short-term rentals shall be registered with the Village on an annual basis. The short-term rental of an unregistered dwelling is prohibited under this article. To register a dwelling used for short-term rentals, the property owner or agent of the owner shall provide and certify as true the following on a form provided by the Village (Exhibits A and B that may be amended from time to time). Every calendar year beginning January 1st, a new registration must be submitted to the Village Clerk and pay the required registration fees, providing the following information, and complying with the following requirements:

- A. Name, address, and telephone number of the local agent for the dwelling.
- B. The street address of the dwelling.
- C. The number of bedrooms in each dwelling.
- D. The number of off-street parking spaces provided for the dwelling.
- E. The maximum number of occupants to which the applicant is allowed to rent the dwelling in any given rental period based on the number of bedrooms in the dwelling during any rental period.
- F. The length of the typical rental period for which the applicant intends to rent the property, which shall not be less than a six-night minimum stay beginning May 1st through September 30th, with a two-night minimum stay requirement at all other times of the year.
- G. 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.

- H. A statement certifying that the property owner consents to inspections by the Village and will make the dwelling available to inspections upon request.
- I. A statement certifying that the property owner or a local agent will provide at least one copy of the Village's Rules and Regulations to the renters each time the dwelling is rented. All local agents and the renter must sign Exhibit B acknowledging they have read and understand the rules and regulations found in Exhibit C, and must provide a file copy of Exhibit B to the Village Clerk no later than 24 business hours before the start of the rental agreement. Any failure of the local agent to provide all signed documents required under this ordinance constitutes a violation of this ordinance.
- J. Such other information as the Village deems appropriate.
- K. Payment of an annual registration fee per bedroom under Section 260-6(D), which fee may be changed from time to time by resolution of the Village Council. The annual registration fee shall cover the costs to the Village of short-term rentals, including annual inspections.
- L. Submit the property and dwelling to and satisfactorily complete and arrange an inspection for compliance with applicable codes and ordinances and provide the Village with a written copy of such inspection completed at the owner's sole expense. Inspections shall be arranged by the owner and performed by a Village of Michiana code enforcement official.
- M. The rental registration is nontransferable for permits in future years upon change of ownership.
- N. Submission of a signed and fully executed waiver of all claims and indemnification agreement (Exhibit D).

§ 260-4. Rental registration form.

- A. All short-term rentals shall register with the Village on an annual basis (see § 260-3).
- B. For each occurrence the dwelling is rented, a new registration form (Exhibit B) must be submitted to the Village Police Department by email.
- C. All owners of dwellings on residential property used for short-term rentals shall sign a waiver and indemnification form provided by the Village as part of Exhibit B.

§ 260-5. Short-term rental regulations.

- A. Local agent required. All dwellings used for short-term rentals shall have a designated local agent. The local agent must inspect the dwelling at least once every 30 days while rentals occur. The local agent must ensure that the dwelling is kept up to all applicable building codes. The local agent must promptly address any issues that would affect health and safety of the renter or the Village of Michiana.
- B. Street address posted within dwelling. The street address of the property shall be posted in at least two prominent locations within the dwelling in order to assist occupants in directing emergency service personnel in the event of an emergency. The address shall, at a minimum, be posted near the kitchen and near any telephone or pool.
- C. Maximum occupancy. The number of occupants in a dwelling during a short-term rental shall not exceed the lesser of: i) 16 total occupants; or ii) two occupants per bedroom.
- D. No more than one rental is allowed on any given dwelling/property at one time.
- E. All the following must be provided:
 - (1) Smoke detectors and carbon monoxide devices. The owner or local agent of a dwelling used for short-term rentals shall:
 - (a) Install and maintain an operational smoke detector in each bedroom and test such smoke detectors per the manufacturer's guidelines but no less frequently than every 90 days to ensure that they are properly functioning.
 - (b) Install and maintain at least one operational approved carbon monoxide device of the type described in MCLA § 125.1504 on each floor and test such devices per the manufacturer's guidelines but no less frequently than every 90 days to ensure that they are operational.
 - (c) Install and maintain one ABC type fire extinguisher in the kitchen.
- F. Fireworks. No fireworks shall be used on the premises of a dwelling registered under this article at any time. Fireworks are not allowed on public property at any time.

- G. Zoning compliance. Short-term rentals may be regulated in the Village Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.
- H. Golf carts. Use of any golf cart will comply with rules and regulations for their use as regulated by the State of Michigan. Golf carts must have a Village of Michiana sticker for parking in the Village.
- I. Garbage cans. The local agent shall pull-back all garbage and recycling cans at least ten feet from the street within 24 hours of garbage collection. Any rental property registered for occupancy by more than eight occupants must have two recycling garbage cans and two non-recycling garbage cans on site at all times.
- J. Rules and regulations (Exhibit C). A copy of the Village of Michiana rules and regulations shall be provided for each rental. The local agent shall supply the copy to the renters and must obtain a statement signed by the renters that they have read and agree to follow all rules and regulations of the Village of Michiana.
- K. Marijuana use is prohibited on the premises of a dwelling registered under this article at any time it is rented. Marijuana use is not allowed on public property at any time.
- L. A dwelling rented under this ordinance shall not use any speakers or sound amplification devices outdoors from 10:00 p.m. to 10:00 a.m. daily, including on weekends.

§ 260-6. Violations and penalties.

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 provision of this Code of Ordinances, violations and fees of this article are subject to the following fines and costs:

- A. Short-term rental of unregistered dwellings. The fine for leasing an unregistered dwelling in violation of this ordinance is \$1,000 for a first violation and \$3,000 for each subsequent violation.
- B. Maximum occupancy. The fine for exceeding the maximum occupancy in violation of this ordinance is \$1,000 for a first offense and \$3,000 for each subsequent offense.

- C. Other provisions. Fines for other violations of this article are as follows: \$300 for a first offense, \$1,000 for a second offense, and \$2,000 for each subsequent offense. These fines would be cumulative regardless of variances in the type of violation committed.
- D. Annual application for registration inspection. The fee for annual registration inspection is \$300 per bedroom.
- E. Billable court time. The fee for the Code Enforcement Official's time in court is \$150 per hour.
- F. Unpaid fines and fees. All unpaid fines and fees that are delinquent after 60 days will be certified by the Village Treasurer and placed on the property owner's tax bill for collection. All fines and fees are considered past due after 60 days from the violation, and will accrue interest charges at the rate of 1% per month. Further, the Village reserves the right to collect the fines and fees included herein and to enforce the provisions of this article through any legal or equitable means available to the Village, including but not limited to filing a cause of action in Small Claims, District Court, or Circuit Court in Berrien County.

§ 260-7. Revocation of registration.

- A. Offenses warranting revocation. The Village may revoke the rental registration for any dwelling 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, local agent, or any renter for a violation of two or more of the Village's Code of Ordinances.
- B. Revocation procedure. Upon a determination by the Code Enforcement Official that the registration of a dwelling is subject to revocation pursuant to 260-7. The Code Enforcement Official 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 with the Village Clerk 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 § 260-7A 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.

C. Proof of rental. The following constitutes presumptive evidence that a dwelling or dwelling is being used as a rental property.

1. The property is occupied by someone other than the owner or his/her immediate family or friends of the owner's family.
2. Voter registration, motor vehicle registration, a driver's license, or any other document filed with a public or private entity which states that the owner of the rental property resides at an address other than the rental property.
3. Utilities, cable, phone or other services in place or requested to be installed or used at the premises in the name of someone other than the rental property owner.
4. Persons residing in the dwelling represent that they pay rent to occupy the premises.
5. A dwelling which has been published as being available for rent or lease.

D. Revocation period and effect. Upon revocation of registration, a dwelling will be restricted from the Village's rental program's waiting list for the following calendar year.

§ 260-8. Maximum number of rental permits.

No additional registration under this ordinance will be accepted or processed for a residential property located in the Village of Michiana when the number of rental permits presently issued Village-wide exceeds 40 permits. Property owners seeking to apply to the Village's rental program once the 40-permit maximum has been reached will be added to a waiting list that is first-come, first-serve. The Village will require an annual \$100 non-refundable fee for an applicant requesting to be added to the waiting list for that calendar year. When a permit becomes available, the next applicant in line on the Village waiting list

will be offered the opportunity to apply for a permit. Current rental permit holders will be given priority for future calendar year rental permits.

260-9. Annual Rental Permit Registration

The annual rental program registration period is January 1st through to March 15th of the calendar year.

§ 260-10. Adoption.


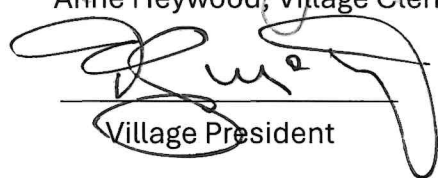
This ordinance shall take effect on December 31st, 2025.

AYES:    

NAYS: _____

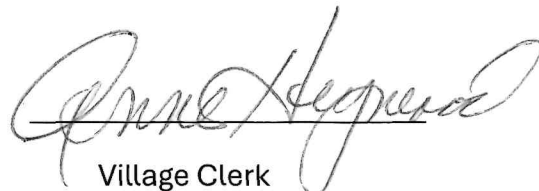
ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.


Anne Heywood, Village Clerk

Village President

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Michiana, County of Berrien, State of Michigan, at a Regular Meeting, held on the 12 day of December, 2025, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.


Village Clerk