

**HOWARD CHARTER TOWNSHIP
CASS COUNTY, MICHIGAN**

**SHORT TERM RENTAL ORDINANCE
ORDINANCE NO. 235**

An ordinance authorized by the Township Ordinances Act, being Public Act 246 of 1945, MCL 41.181, *et seq.*, to grant Howard Charter Township the authority to adopt ordinance and regulations to secure the public health, safety and general welfare of Township constituents by regulating short-term rentals within the Township subject to regulations contained herein; and to provide penalties and fines as a municipal civil infraction pursuant to the provisions of Public Act 236 of 1961

Section 1.01 Purpose

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Howard Charter 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 well-being of all in the community. This Ordinance is intended to strike a balance between competing interests.

Section 1.02 Definitions

Agent: The individual or entity managing the rental property on behalf of the owner of the Rental Dwelling Unit. An owner may act as his or her own agent. An agent includes all Short-Term Rental agents.

Bedroom: A room intended for sleeping or placement of a bed, separated from other spaces in the rental dwelling unit by one or more functional doors. The following spaces, which must be included in every rental dwelling unit, do not qualify as bedrooms: kitchens, dining areas, gathering spaces such as family rooms, dens, or living rooms, and attics. Basements without egress meeting standards in applicable buildings, residential, and fire codes are also not considered a bedroom.

Dwelling: A building containing sleeping, kitchen, and bathroom facilities designed for and occupied by one (1) family, excluding hotels, motels, and tourists' homes. In no case shall a travel trailer, motor home, automobile, tent, or other portable building defined as a recreational vehicle, be considered a 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 under this Ordinance.

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

Short Term Rental: The Rental or subletting of any Single-Family Dwelling for a term of less than twenty-eight (28) days per rental term. However, the rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, hotels, resorts, campgrounds, transitional housing, group homes such as nursing homes and adult-foster care homes, hospitals, substance-abuse rehabilitation clinics and housing, mental-health facilities, other similar healthcare related facilities, or dwelling units owned by a business entity and made available to employees of that business entity or employees of a contractor working for that business entity.

Single Family Dwelling: A building containing not more than one dwelling unit designed for residential use by one family.

Special Event: In association with a Short-Term Rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the Short-Term Rental license.

Section 1.03 Applicability

This Ordinance shall apply only to Short Term Rentals in the Township. All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deed, restrictive covenants, association rules, regulations or bylaws, or rental agreements.

Section 1.04 Registration Required

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 with the Township in accordance with this Ordinance.

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. If the Owner does not reside within thirty (30) minutes of the Single-Family Dwelling, the Owner shall name a local agent. The Owner, a local agent, or the designee of either shall be on site within one (1) hour of being contacted by the Township or law enforcement concerning an issue regarding the Short-Term Rental.
 - b. The address of the Single-Family Dwelling to be used as a Short-Term Rental.

- c. The number of bedrooms in the Single-Family Dwelling to be used as a Short-Term Rental.
 - d. The number of off-street parking spaces provided for the Single-Family Dwelling to be used as a Short-Term Rental (this information must also be included in the rental agreement and any online or other advertising for the Single-Family Dwelling). All parking **must** fit within the boundary of the lot which Short-Term Rental is located.
 - e. The maximum number of occupants and visitors for the Single-Family Dwelling to be used as Short-Term Rental, subject to any applicable local, state, or federal laws, regulations, or ordinances (this information must also be included in the rental agreement and any online or other advertising for the Short-Term Rental).
 - f. The number of days at a time that the Owner intends to rent the Single-Family Dwelling as a Short-Term Rental, and the months of the year during which Owner intends to offer Short-Term Rental.
 - g. A copy of the rental agreement for the Single-Family Dwelling to be used as a Short-Term Rental.
 - h. Certification that the Single-Family Dwelling to be used as a Short-Term Rental is in compliance with all requirements of this Ordinance and all other Township Ordinances.
 - i. Such 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 the Township Board. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after January 1, 2026, without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by the Township Board. Periodically the Township Board shall review and establish new fees.
 3. Registrations are non-transferable with a change of property owner. New owners must reapply.

Section 1.05 Short-Term Rental Regulations

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

1. A Short-Term Rental contract or agreement shall not be made to a tenant/lessee under twenty-five (25) years of age. The tenant/lessee must be present during the rental period.
2. Rental of partial dwelling: This Ordinance pertains only to the Short-Term Rental of an entire dwelling unit. The Short-Term Rental of partial dwelling units (e.g., a room or rooms within a dwelling unit) is prohibited.

3. Street Parking: Street parking is prohibited. No Short-Term Rental occupant, nor any guest visiting a Short-Term Rental, shall park on public streets. The off-street parking spaces must be utilized, and any excess parking must be done in public parking lots or in other permitted off-site locations.
4. Street Address:
 - a. The Single-Family Dwelling used as a Short-Term Rental must have a street number marker installed and visible from the street. No additional signage of any kind is permitted. No exterior sign shall be used to advertise the Single-Family Dwelling as a Short-Term Rental to the public.
 - b. The street address of the property shall be posted in at least two (2) 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.
5. Occupancy limit: The occupancy of any Single-Family Dwelling used as a Short-Term Rental shall be no more than two (2) occupants per bedroom excluding children under the age of thirteen (13), with a maximum of ten (10) occupants. Garages, accessory buildings or structures, attics, porches shall not be construed as areas of occupancy. At no time shall additional individuals be allowed to sleep outside of the dwelling unit.
6. Guests: Guests up to the number equal to the occupancy limit of the Short-Term Rental may be allowed only during non-quiet hours.
7. Quiet Hours: Single-Family Dwellings used as Short-Term Rentals shall observe quiet hours between 10:00 pm and 8:00 am Sunday through Thursday and between 11:00 pm and 8:00 am, Friday and Saturday. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivity.
8. Special Events: Special events as defined by this ordinance, shall not be allowed.
9. Fire Safety. Single-Family Dwellings used as Short-Term Rentals shall have the following:
 - a. Operational smoke detector on each floor, which must be tested at least every ninety (90) days to ensure that they are properly functioning.
 - b. At least one (1) operational and approved carbon monoxide device of the type described in MCL 125.1504d and MCL 125.1504e on each floor, which must be tested at least every ninety (90) days to ensure proper functioning.
 - c. At least one (1) working fire extinguisher located in the kitchen and one (1) located near any outdoor cooking device.
 - d. Evacuation routes shall be posted in a conspicuous location in each bedroom as well as the main gathering space in the house.

- e. No fireworks are allowed.

10. Attics and basements:

- a. No attic or basement shall be used for a bedroom in a Single-Family Dwelling used as a Short-Term Rental.

11. Inspections:

- a. The Owner must consent to and pay for any inspections of the Single-Family Dwelling used as a Short-Term Rental upon the request of the Township. In any area in which public water and public sanitary sewer are not available, the Owner must also consent to and pay for a septic inspection by the Cass County Health Department and must obtain a certificate indicating the Single-Family Dwelling used as a Short-Term Rental has adequate septic pumping, which shall be renewed every three (3) years.

12. Insurance:

- a. Single-Family Dwellings used as Short-Term Rentals must be insured as commercially rented property with a liability policy of at least one million dollars (\$1,000,000.00). Valid insurance coverage must be maintained throughout the registration period. 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.

13. 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:

- a. This Ordinance.
- b. The Howard Charter Township Anti-Noise and Nuisance Ordinance and the Safe Burning Ordinance.

14. Trash: Trash containers, with tight fitting lids, shall be appropriate for the occupancy level of the Short-Term Rental and shall be regularly picked up by a licensed waste hauler.

15. Pets: If pets are allowed, they must be always secured on the premises or on a leash.

16. No prior suspensions or revocations: The owner of property seeking a license for a Short-Term Rental under this Ordinance shall not have been the owner of any property within the Township for which a Short-Term Rental license has been suspended or revoked within five (5) years from the date of such suspension or revocation.

Section 1.06 Violations; Revocation of Registration

Violation: Any person, partnership, limited liability company, corporation or association who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative

decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person, partnership, limited liability company, corporation or association responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable as a civil fine determined by the following schedule.

- a. Short-term rental of unregistered dwellings: The operation of an unregistered Short-Term Rental is up to \$200 for a first violation and up to \$500 for each subsequent violation.
- b. Maximum occupancy: The fine for exceeding the maximum occupancy permitted for a Short-Term Rental is \$200 for a first offense and up to \$500 for each subsequent offense.

Other provisions: Fines for other violations of this Ordinance are \$200 for a first offense, \$500 for a second offense or subsequent offense.

- c. Remedial Action: Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provision thereof.

1. Revocation of Registration

- a. 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 (3) separate incidents (occurring on three (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 or any renter for a violation of one or more of the following:
 - i. Any provision of this Ordinance.
 - ii. Any provision of any other Township Ordinance, including its Anti-Noise and Nuisance Ordinance, Zoning Ordinance, and any other Township Ordinance, or permit or approval process.
 - iii. Any violation of any other local, state, or federal law or regulation.

2. Revocation Procedure

- a. Upon a determination by an official designated by the Township Board to enforce this Ordinance, that the Short-Term Rental registration is subject to revocation, the designated official shall issue a notice to the Owner that the Township intends to revoke

the rental registration. The notice shall inform the Owner of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within fourteen (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 2 (a) are not satisfied, or that the Owner should not be held responsible for one or more of the three (3) requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as 1) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; 2) the violation resulted from an act of God; or 3) other circumstances that the owner could not reasonably anticipate and prevent and could not reasonably control. Should the Owner fail to present such evidence, the Board shall revoke the registration.

3. Emergency Revocation for Imminent Danger

- a. If the Township official determines that a single offense constitutes serious or life-threatening conditions or if a serious injury or death has occurred, the official has the authority to temporarily suspend the Short-Term Rental pending resolution of the situation to the satisfaction of the Township.

4. Revocation Period and Effect

- a. Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one (1) year and cannot be used for Short-Term Rental until re-registered.

Section 1.07 Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 1.08 Effective date

This Ordinance shall be effective thirty (30) days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township.

CERTIFICATION

Upon roll call vote:

The following voted aye: _____

The following voted nay: _____

The following were absent: _____

The undersigned, as the duly elected and acting Clerk of Howard Charter Township of Cass County, Michigan, hereby certifies that the foregoing Short-Term Rental Ordinance, #235, was duly adopted by Howard Charter Township at a Regular Meeting of said Board, at which a quorum was present, held on 09/16/2025

Published date: _____ Effective Date: _____

Sheri Wozniak, Clerk
Howard Charter Township
1345 Barron Lake Rd
Niles, MI 49120

Date

Bill Kasprzak, Supervisor
Howard Charter Township
1345 Barron Lake Rd
Niles, MI 49120

Date