

**TOWNSHIP OF ARCADIA**  
**MANISTEE COUNTY, MICHIGAN**

**ORDINANCE NO. 184**

**ADOPTED: JUNE 8, 2023**

**EFFECTIVE: SEE SECTION 6**

**SHORT TERM RENTAL PROPERTY REGISTRATION ORDINANCE**

An Ordinance enacted pursuant to MCL 41.181 to secure the public health, safety and general welfare of the residents and property owners of the Township of Arcadia, Manistee County, Michigan, by requiring premises used for short term residential occupancies to be registered with the Township; and to provide civil sanctions and remedies for the violation thereof.

**THE TOWNSHIP OF ARCADIA**  
**MANISTEE COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE AND RELATIONSHIP TO OTHER ORDINANCES**

- A. Title. This Ordinance shall be known and cited as the Township of Arcadia Short Term Rental Property Registration Ordinance.
- B. Relationship to other ordinances. This is a business registration/licensing ordinance intended to supplement but not supersede in whole or in part any provision of any other ordinance or law relating to the same subject matter, including the Zoning Ordinance of the Township of Arcadia, the State Construction Code, the District Health Department #10 Sanitary Code, or any applicable general ordinances of the Township of Arcadia. In the event of a conflict between any provision of this Ordinance and any other applicable ordinance or law, the more stringent provision is intended to apply.

**SECTION 2**

**DEFINITIONS**

- A. Defined terms. The following words and terms as used in this Ordinance are intended to have the specified meaning:

1. "Local Contact Person" means an individual person designated by the owner of a short term rental to be available by telephone, text messaging, and email as the point of contact between the Township and the owner to respond to complaints involving the short term rental and/or the occupants thereof, at all times during any occupancy of the short term rental, and for other communications as provided in this Ordinance. The designated Local Contact Person shall be physically located within 50 miles of the short term rental at all times during any occupancy of the short term rental.
  2. "owner" means the person/persons or entity which owns a short term rental; which shall presumptively be the holder of title to the premises or portion thereof on which a short term rental is operated, unless the short term rental and premises are in different ownerships. The term owner is intended to be the same as the term registrant.
  3. "premises" means the real property on which a short term rental is operated.
  4. "short term rental" means any building or structure or portion thereof with sleeping, bathroom and/or cooking facilities forming a single habitation unit for occupancy by one or more persons for a period of 1-29 days and/or nights for any monetary compensation or other form of non-monetary consideration; except this term does not include either of the following:
    - A. any residential premises occupied for such compensation for a cumulative total of 14 or fewer days and/or nights within a calendar year.
    - B. any motel/hotel or bed & breakfast lawfully operating in accordance with all applicable requirements of the Zoning Ordinance of the Township of Arcadia.
- B. Other words. Any word or term not specifically defined in preceding Section 2.A. of this Ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning in the context of the usage of the word or term in this Ordinance.

### **SECTION 3**

#### **ANNUAL REGISTRATION**

- A. Registration required. The owner of a short term rental shall annually register with the Township each separate short term rental the owner intends to advertise or operate in the Township, prior to any advertising or operating/occupancy of that short term rental. Not more than one short term rental unit may be registered per building/structure.

- B. Registration form. The owner of a short term rental shall submit the following information to the Township Clerk on a form made available by the Township for this purpose, or as may otherwise be necessary to provide the specified information:
1. The owners name, postal mailing address, email address, and telephone number. If the owner is two or more individuals, this information shall be provided for each of those individuals. If the owner is a business entity, this information shall be provided for that entity and for the primary individual officer/managing member of that entity.
  2. The name, cell phone number, email address, and postal mailing address of the Local Contact Person for the short term rental.
  3. The physical address of the premises upon which the short term rental is to be operated.
  4. The permanent real property assessment parcel number of the premises upon which the short term rental is proposed to be operated.
  5. The number of bedrooms in the short term rental.
  6. The dated signature of the owner. If the owner of the short term rental is not the same as the owner of the premises, the application shall also be date-signed by the owner of the premises.
- C. No registration fee. The Township shall not impose a short term rental registration fee (initial or renewal) pursuant to this Ordinance.
- D. Processing of registration form. The Clerk shall mark the date of receipt of a registration form on the original form, and send a copy of the form to the Zoning Administrator.
- E. Registration term/renewal.
1. Term of initial registration. An initial registration form filing for a short term rental shall expire December 31 of the year of filing, regardless of the date of filing.
  2. Annual registration renewal. The owner of a registered short term rental shall apply for renewal of that registration between October 1-December 31 of the year for which the initial (or prior) year registration was filed, by filing with the Clerk a registration renewal form made available by the Township for this purpose. The registration renewal form shall include the sworn certification of the renewal registrant (owner) that all of the information submitted on the initial (or prior) year registration filing is still completely

accurate and true; or, in the alternative, providing a full and complete statement as to any changed/new information.

3. Processing of registration renewal form. The Clerk shall process a short term rental registration renewal form in the same manner as provided by Section 3.D. of this Ordinance for an initial registration form.
  4. Term of registration renewal. A short term rental registration renewal shall be valid for the ensuing January 1-December 31 calendar year, or if issued after January 1 then for the remainder of that calendar year.
- J. Township registration records. The Clerk shall maintain a record of all short term rental registration forms (initial and renewal). The Clerk shall also maintain a current list of all premises for which a short term rental registration form has been filed and is in effect. All of the foregoing records are public records.
- K. Registration not transferable. A short term rental registration filed pursuant to this Ordinance (initial or renewal) is not transferable or assignable by the registrant (owner), and shall automatically expire upon the effective date of the transfer or assignment of any ownership interest in the subject premises. A new owner shall file a short term rental registration form for the subject premises as a new registrant pursuant to Section 3 of this Ordinance.

#### **SECTION 4**

#### **VIOLATIONS**

- A. The following actions/inactions constitute a violation of this Ordinance, subject to enforcement and sanctions as specified in Section 6 of this Ordinance:
1. Any false or materially misleading statement on a short term rental registration form (initial or renewal).
  2. Making any premises available for a short term rental occupancy without a valid registration filed and in effect for those premises.
  3. Advertising or otherwise offering any premises as available for a short term rental without a valid registration filed and in effect for those premises.

#### **SECTION 5**

#### **ENFORCEMENT AND SANCTIONS**

- A. Enforcement. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Arcadia Township, and by such other person or persons as the Township Board may designate.

B. Persons responsible. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or who causes, allows, consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance. Each day that a violation exists shall constitute a separate offense for enforcement purposes. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, guest, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

C. Municipal civil infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
▪ 1st offense	\$ 150.00	\$250
▪ 2nd offense	\$ 325.00	\$500
▪ 3rd or subsequent offense	\$ 500.00	\$500

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

D. Public nuisance. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

**SECTION 6**

**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication as required by law, or upon the effective date of related amendments of the Zoning Ordinance of the Township of Arcadia to provide for “short term rental” as a permitted use in various zoning districts, whichever is later. Upon becoming effective all of the provisions of this Ordinance shall apply to any proposed new or previously existing short term rental.

**SECTION 7**

**SEVERABILITY**

If any part of this Ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, the parts not affected by that declaration are intended to remain in full force and effect.

**SECTION 8**

**NON-REPEAL**

This Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code, the Township Zoning Ordinance, or any other ordinance referenced herein or not referenced herein that may pertain to the subject matter of a provision of this Ordinance that does not conflict therewith. In the event of a conflict between a provision of this Ordinance and a provision of another applicable ordinance or code, the more stringent provision is intended to apply.

Tracy Catlin, Clerk  
Township of Arcadia