

## **ORDINANCE NO. 215**

**AN ORDINANCE TO AMEND ORDINANCE NO 210 BEING AN ORDINANCE REGULATE SHORT-TERM RENTALS, PROVIDE FOR THE INSPECTION AND REGISTRATION THEREOF WITHIN THE VILLAGE OF THREE OAKS; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

### **THE VILLAGE OF THREE OAKS ORDAINS:**

Section 1. All ordinances, resolutions, or parts thereof in conflict with this ordinance are hereby repealed.

Section 2. Section VII, of Ordinance No. 210, is hereby amended to read as follows:

### **VII. VIOLATION; REVOCATION OF PERMIT**

A. Violations as municipal civil infractions. Any person who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any three (3) month period and (ii) for which the person admits responsibility or is determined to be responsible.

B. Revocation of registration.

1. Offenses warranting revocation. The Village may revoke the short-term rental permit for any short-term rental which is the site of at least 3 separate incidents (occurring on 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, local agent, or any renter for a violation of one or more of the following:

(A) Any provision of this ordinance.

(B) The Village Noise and Nuisance Ordinance.

(C) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

2. Revocation Procedure. Upon a determination by the Village that the short-term rental permit is subject to revocation pursuant to subsection (b)(1), the Village shall issue a notice to the property owner and the local agent stating that the Village intends to revoke the short-term rental permit. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the short-term rental permit 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 before the Village Manager 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 subsection (b)(1) 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.

3. Revocation Period and Effect. Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

C. In addition, the Village specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

Section 3. This ordinance shall be published once, in full, in the The Herald-Palladium, or another newspaper of general circulation within the boundaries of the Village of Three Oaks, within fifteen (15) days after its adoption and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signature of the President and the Village Clerk.

Section 4. This ordinance was adopted by the Village Council of the Village of Three Oaks at a regular meeting held in the Village Hall on the 12th day of December, 2018, and ordered effective on the 2nd day of January, 2019, the same being more than twenty (20) days after its passage.

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Cynthia E. Moynihan, Clerk  
Village of Three Oaks

Attest:

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David Grosse, President  
Village of Three Oaks

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 215, duly adopted by the Village Council of the Village of Three Oaks, Berrien County, Michigan, at a regular meeting held on the 12th day of December, 2018.

I further certify that Council member Zebell moved the adoption of said Ordinance and Council member Pappa supported said motion.

I further certify that the following Council members voted for the adoption of said Ordinance: \_\_\_\_\_  
Capiak, Graziano, Thomas, Pappa, Zebell, Newquist and Grosse

The following Council members voted against the adoption of said Ordinance: \_\_\_\_\_.

The following Council members were absent: \_\_\_\_\_.

The following Council members abstained: \_\_\_\_\_.

I further certify that the foregoing Ordinance was published in full in The Herald-Palladium, or another newspaper circulating in the Village of Three Oaks on the 28th day of December, 2018.

I further certify that the Ordinance has been recorded in the official Ordinance Book for the Village of Three Oaks and that such recording has been authenticated by signatures of the President and the Village Clerk.

Date: \_\_\_\_\_, 2018

\_\_\_\_\_  
Cynthia E. Moynihan, Clerk  
Village of Three Oaks