

**MONTCALM TOWNSHIP
SHORT TERM RENTAL ORDINANCE
R-2019-04**

AN ORDINANCE TO REGULATE SHORT-TERM RESIDENTIAL RENTALS WITHIN
THE TOWNSHIP OF MONTCALM, MONTCALM COUNTY, MICHIGAN

THE TOWNSHIP OF MONTCALM ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

“Bathroom” means a room containing a toilet or urinal, sink, and a bathtub or shower.

“Bedroom” means a separate room intended to be used for sleeping purposes.

“Dwelling unit” means a residential building or separate and discrete portion of a residential building that includes independent living facilities for one or more persons and includes permanent provision for living, eating, cooking, and a separate bathroom(s) and bedroom(s). Dwelling unit does not include hotels, motels, bed and breakfasts, or similar uses.

“Efficiency dwelling unit” means a dwelling unit that does not contain a separate bedroom(s) for sleeping.

“Habitable space” means the space in a dwelling unit used for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not habitable spaces.

“Occupancy” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

“Operator” means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Rent” or “Rental” means to permit, provide for, or offer possession or occupancy of a dwelling unit for a period of less than twenty-seven (27) consecutive days in exchange for consideration. Rent or rental does not include the use of campgrounds, hotel room, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

“Tenant” means a person who is not the legal owner of record and who is renting a dwelling unit.

Section 2. License Required.

No person shall permit or allow a dwelling unit or efficiency dwelling unit to be rented or used within the Township without first registering the rental property and obtaining a license from the Township pursuant

to the requirements of this Ordinance. A license granted in accordance with this Ordinance is not transferrable.

Section 3. Application and Fee Requirements.

An Operator seeking a license under this Ordinance shall submit a complete application to the Supervisor or his/her designee and pay such fee determined from time to time by resolution of the Township Board. The application shall be on a form prepared by the Township and shall, without limitation, include: the address of the subject parcel containing the dwelling unit to be rented; proof of the Operator's ownership of, or the legal right to rent, a dwelling unit; name and contact information of the local representative or rental agency responsible for ensuring compliance with the terms of the license (if other than the Operator); the proposed maximum occupancy of the dwelling unit; the signature of the Operator affirming that the dwelling unit will be operated in conformance with all applicable ordinance requirements; such other information reasonably necessary for the Supervisor to determine whether the applicable standards for approval contained in this Ordinance have been met; and, affirmation by the Operator that the application is true, accurate and complete and authorizing the inspections provided for under Sections 4 and 5. It is a violation of this Ordinance for an Operator to provide inaccurate information for the licensing of a dwelling unit, to fail to provide information required by this section, or to fail to license a dwelling unit that is subject to this Ordinance. An Operator or his/her local representative or rental agency must be available twenty-four hours a day during any rental period. For purposes of this section, "dwelling unit" shall be defined to include an "efficiency dwelling unit."

Section 4. Standards for Use.

Not later than 30 days after receiving a completed application and any accompanying fee, the Supervisor or his/her designee shall approve, deny, or approve with conditions, an application for a short term rental license under this Ordinance. The basis for any denial shall be provided in writing to the applicant.

A. A dwelling unit or efficiency dwelling unit subject to this Ordinance must comply with all of the following requirements:

1. All bedrooms within a dwelling unit shall meet the following minimum requirements:

(a) Every bedroom intended to be occupied by one person shall contain at least 70 square feet of floor area, and every bedroom intended to be occupied by two persons shall contain at least 100 square feet of floor area. In calculating the floor area of a bedroom having a sloped ceiling over all or part of the bedroom, only that portion of the bedroom with a clear ceiling height of seven (7) feet or more shall be included.

(b) Except in dwelling units having only one (1) bedroom, the bedrooms shall not constitute the only means of access to other bedrooms or habitable space and shall not serve as the only means of ingress or egress from other habitable spaces.

(c) Every bedroom shall have access to at least one bathroom on the same story as the bedroom or on an adjacent story without passing through another bedroom.

2. The maximum occupancy of a dwelling unit subject to this Ordinance may not exceed the lesser of:

- (a) Two (2) persons per bedroom (not including pre-school aged children)
- (b) Ten (10) persons total (not including pre-school aged children)

Campers, tents, and motor homes may not be used to provide additional occupancy on the Premises.

3. The use of outdoor yard areas, open decks, docks, pools and the like shall not result in producing adverse off-site noises, odors, other external disturbances, or other nuisances as regulated by the Township or State law. Campfires shall be maintained in designated fire pits and comply with applicable fire codes.

4. Cultural events, special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the licensed premises for more than the number of permitted occupants as set forth herein.

5. Trash disposal must be provided. Trash must be contained in properly sealed receptacles appropriately sized to avoid overflow or vermin attraction. Trash must be legally disposed of after each rental or weekly, whichever is more frequent.

6. The Operator shall minimally comply with the applicable parking requirements under the Township Zoning Ordinance and parking spaces shall be located on the licensed premises only. Parking areas must be easily identifiable as a designated parking area and improved to such a degree to function as a parking area and support the use. Boats, recreational vehicles, trailers and similar personal property may not be parked, stored, or used in an unimproved front yard area of the licensed premises. Motorized watercraft must be provided by the Operator if water body does not have a public access.

7. The licensed premises shall meet all applicable building, health, fire and related safety codes at all times. Emergency contact information and phone numbers shall be posted within the dwelling unit where they are clearly visible by or on the primary access door used by the occupants of the dwelling.

8. Any sign on the licensed premises must comply with applicable provisions of the Township's Zoning Ordinance.

9. The Operator will provide notice of the rental dwelling unit and phone number(s) of the Operator to all properties within two hundred feet (200') of the boundaries of the licensed premises. Proof of notice shall be required as part of the permit application process.

10. An Operator shall post the standards set forth herein in a prominent place within the licensed premises (see Section 4.A.7) and shall include them as part of any rental agreement.

11. No more than one dwelling unit or efficiency dwelling unit is permitted per lot or parcel.

12. The licensed premises shall remain in compliance with all applicable Township ordinances including, without limitation, the Township Zoning Ordinance.

B. Subject to the provisions of Section 7, a license shall be valid for three (3) years (January 1 through December 31) unless there is a change in the ownership of or the Operator for the licensed premises or the dwelling unit is physically altered such that habitable space within the unit is increased, decreased, or redistributed among living, sleeping, eating, or cooking areas.

C. A dwelling unit permitting the occupancy of one (1) to five (5) tenant(s) shall comply with the following additional requirements: The dwelling unit shall have a living room of no less than 120 square feet, and a dining room of no less than 80 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 200 square feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.

D. A dwelling unit permitting the occupancy of six (6) to ten (10) tenants shall comply with the following additional requirements: The dwelling unit shall have a living room of no less than 150 square feet and a dining room of no less than 100 square feet. A dwelling unit with combined living room and dining room spaces shall have no less than 250 square feet and shall be located within the dwelling unit so as to function as a combination living room / dining room.

E. An efficiency dwelling unit permits the occupancy of a maximum of two (2) tenants and shall comply with the following additional requirements: The efficiency dwelling shall have habitable space of no less than 220 square feet. The dwelling shall contain a kitchen that includes a sink, cooking appliance, and refrigeration appliance and shall contain no less than one (1) bathroom.

F. Upon the written request of an applicant for a license, the Township Supervisor may waive or modify identified standards set forth in this Section 4 based on his/her review of factors affecting the public health, safety and welfare including, but not limited to, the following: the presence of unique characteristics affecting the licensed premises; the ability to reasonably comply with the standards; the visual and aesthetic impact of the proposed waiver from the standards; the existing character of the adjacent area; public comment; the scale and scope of deviation from the standards relative to the existing character of the area; and whether granting the waiver will adversely impact public safety.

Following his/her review, the Township Supervisor may grant, deny or grant with conditions a request to waive or modify the standards and shall provide the basis for his/her decision to the applicant in writing. The applicant shall be responsible to pay all actual costs of the Township associated with the request to waive or modify the standards.

Section 5. On-Going Inspections and Revocations.

A. An inspection may be made by the Township during the term of a license following reasonable notice to the Operator. An inspection shall be made by the Township, following reasonable notice to the Operator, in response to a complaint regarding a licensed premises received from an adjacent property owner or a tenant of the licensed premises. The inspection shall be conducted to determine whether there is any observed violation of applicable fire, safety or similar codes or Township ordinances. Following written notice of a violation, re-inspections shall be made as necessary to ensure noted violations have been corrected.

B.

(1) In the event inspections or re-inspections result in the issuance of three or more separate code or ordinance violations within a 12-month period, the license shall be revoked, the owner and Operator (if different) shall be notified that the license is revoked and the basis for the same, and the owner and Operator (if different) shall be subject to any and all applicable penalties for failing to comply with this Ordinance. The owner or Operator (if different) shall have the right to appeal such revocation, setting forth in writing the basis for its appeal and submitting its appeal within ten (10) calendar days of its receipt of the notice of revocation from the Township. It is a violation of this Ordinance to rent a dwelling unit of any type while a license is revoked as set forth herein.

(2) An appeal shall initially be heard by the Township Supervisor who shall have ten (10) calendar days following receipt of the appeal to review the action appealed from and to make his or her determination based on a review of the relevant facts, applicable laws and utilization of the standards set forth herein. In making his or her review and determination, the Township Supervisor shall consider, without limitation, the following factors: the presentation (if any) of the appellant; the nature and severity of the violations at issue; the impact of those violations on the tenants of the licensed premises; the impact of those violations on adjacent properties; and mitigating circumstances put forward by the owner and Operator (if different). The Township Supervisor may affirm the revocation, overturn the revocation or take such other action as he or she deems appropriate and consistent with the terms of the Township's ordinances and codes. The Township Supervisor's decision and the basis for the same shall be reduced to writing and a copy provided to the owner and Operator (if different).

(3) The owner or Operator (if different) shall have the right to appeal a determination of the Township Supervisor as set forth above, setting forth in writing the basis for its appeal and submitting its appeal within ten (10) calendar days of its receipt of the determination by the Township Supervisor. An appeal under this subsection shall be heard by the Township Board or a successor committee which shall have twenty (20) calendar days following receipt of the appeal to review the action appealed from and make its determination based on a review of the relevant facts, applicable laws and utilization of the standards set forth herein. In making its review and determination, the Committee shall consider the same factors as set forth in Subsection 5.B.(2). The Committee's decision shall be final and the Committee may affirm the revocation, overturn

the revocation or take such other action as it deems appropriate and consistent with the terms of the Township ordinances and codes. The Committee's decision and the basis for the same shall be reduced to writing and a copy provided to the owner and Operator (if different).

Section 6. Conditions.

The Township Supervisor or his/her designee may impose reasonable conditions on a license issued under this Ordinance as necessary to ensure compliance with the standards for approval provided in this Ordinance.

Section 7. Short Term Rental Licensing Implementation and Renewal Process.

- A. All rentals in the Township must be licensed in accordance with the provisions of this Ordinance prior to being used for rental purposes after the effective date of this Ordinance.
- B. Notwithstanding any other provision of this Ordinance, all rentals within the Township must comply with the occupancy restrictions set forth in Subsection 4.A.2. from and after the effective date of this Ordinance.
- C. Licenses may be renewed by the Operator's submission, not less than 30 days prior to the expiration of the existing license, of an application for renewal on such form as prepared by the Township and the payment of any associated fee as set by resolution of the Township Board from time to time. Licensed premises for which a renewal application is submitted shall be subject to inspection by the Township and the Township may require improvements or modifications to the licensed premises consistent with the terms of this Ordinance as a condition of approving a renewed license. Licenses obtained by renewal shall be valid for a three-year period and shall otherwise be subject to all provisions of this Ordinance.

Section 8. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance and nuisance per se and is further deemed to be offensive to the public health, safety and welfare and shall be subject to abatement in the manner permitted by law or in equity.

Section 9. Administrative Liability. No Township officer, official, agent, employee or member of the Township Board shall be personally liable or responsible for any damage which may occur to any person or entity as a result of any act or decision performed (or not performed) in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 10. Violations.

Any person who rents a dwelling unit of any type without an approved and active license as required herein, or who otherwise violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars, the costs of prosecution, and such other relief authorized by law. Each day this Ordinance is violated shall be considered a separate violation.

Section 11. Enforcement Officials.

The Township Supervisor or his/her designee and law enforcement officials of the Montcalm County

Sheriff's Department are hereby designated as authorized local officials who are empowered to issue municipal civil infraction notices or citations pursuant to this Ordinance.

Section 12. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the circuit court to abate or eliminate a violation of this Ordinance.

Section 13. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 14. Effective Date.

This Ordinance shall become effective ninety (90) days following publication of the Ordinance, or a synopsis of the Ordinance, in a newspaper of general circulation within the Township.

TOWNSHIP OF MONTCALM
MONTCALM COUNTY, MICHIGAN

By: _____
Doug Crowley, Supervisor

By: _____
Jessica Shearer, Clerk

Township Board Approval: _____
Publication: _____
Effective Date: _____