

BENONA TOWNSHIP
OCEANA COUNTY, MICHIGAN

SHORT TERM RENTAL ORDINANCE ORDINANCE NO. _____

**AN ORDINANCE TO ADOPT SHORT TERM RENTAL REGULATIONS
IN BENONA TOWNSHIP, MICHIGAN.**

Sec. 01-01. Purpose.

The Township Board finds that the Short-Term Rental of Single-Family Dwellings within Benona 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.

The Township Board finds that the areas of the Township with predominately Single-Family Dwellings are especially susceptible to the negative effects of Short-Term Rentals, since these areas are the least intensively developed residential areas in the Township. Thus, this Ordinance will regulate Short-Term Rentals of only Single-Family Dwellings.

The Township Board finds that there is decreased sensitivity to the effects of Short-Term Rentals in various areas within the Township, and the Township will regulate Short-Term Rentals accordingly.

Sec. 01-02. Definitions.

Dwelling – Shall have the same definition as in the Benona Township Zoning Ordinance.

Nuisance - Means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual, or the generation of an excessive or concentrated effects from movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise from a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent premises which lacks sufficient parking and vehicle circulation facilities.

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 with some type of remuneration paid to the Owner for a period of time to a person who is not the Owner, pursuant to a written or verbal agreement.

Short-Term Rental – The Rental or subletting of a Single-Family Dwelling for compensation for a term of not more than 27 nights. The rental of the following shall not be considered Short-Term Rentals: bed and breakfast establishments, motels, resorts, campgrounds, 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, other similar healthcare related facilities, and the Rental of Single-Family Dwellings in the Agricultural District.

Single-Family Dwelling – Shall have the same definition as in the Benona Township Zoning Ordinance.

Sec. 01-03. Applicability.

This Ordinance shall apply only to Short-Term Rentals in the Township.

Sec. 01-04. Registration required.

(a) 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 in accordance with this Ordinance.

(b) 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 45 miles 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 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 (plus additional identification as necessary if there is more than one Single-Family Dwelling at the same address);

(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);

(E) The maximum number of occupants 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 Single Family Dwelling);

(F) The number of days at a time 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 do so;

(G) The rental agreement for the Single-Family Dwelling to be used as a Short Term Rental;
(H) The Single-Family Dwelling to be used as a Short-Term Rental is in compliance with all requirements of this Ordinance; and

(I) Such other information as the Planning Commission 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 motion or resolution of the Township Board. Any Owner who rents or advertises a Single-Family Dwelling as a Short-Term Rental after March 31, 2022 without having registered it pursuant to this Ordinance shall pay an increased fee, the amount of which is also to be set by motion or resolution of the Planning Commission.

Sec. 01-05.Short-Term Rental Regulations.

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

(a) Street address posted within the Single-Family Dwelling. The street address of the property shall be posted in at least two 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.

(b) Maximum occupancy. Beginning January 1, 2022 the maximum occupancy of any Single-Family Dwelling used as a Short-Term Rental shall be as follows.

- (1) Maximum occupancy in a Single-Family Dwelling used as a Short-Term Rental shall not exceed the lesser of: (i) 12 total occupants; or (ii) 2 occupants per bedroom, up to 4 bedrooms, plus 2 additional occupants per finished story, which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other local, state, or federal requirements. This excludes children up to 2 years of age.
- (2) In addition to the maximum occupancy specified in subsection (1) above, a Single-Family Dwelling used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 1.5 times the maximum number of occupants allowed by subsection (1) (a fractional number of people allowed shall be rounded up).
- (3) Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.

(c) Smoke detectors and carbon monoxide devices. Single-Family Dwellings used as Short-Term Rentals must possess:

(1) Operational smoke detectors in each bedroom, which must be tested at least every 90 days to ensure that they are properly functioning; and

(2) At least one operational and approved carbon monoxide device of the type described in MCL 125.1504 on each floor, which must be tested at least every 90 days to ensure proper functioning.

(d) Zoning compliance. Short-Term Rentals are also regulated in the Benona Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.

(e) Attics and basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Single-Family Dwelling used as a Short-Term Rental, unless the Owner has given the Planning Commission, in writing, consent for the Oceana County Building Inspector to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code, and the applicable fire codes.

(f) Inspections. The Owner must consent to inspections of the Single-Family Dwelling used as a Short-Term Rental by Oceana County Area Emergency Services upon request. 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 District 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 years

(g) OCAES Street Number. The Single-Family Dwelling used as a Short-Term Rental must have a street number posted that is clearly visible from the street.

(h) Insurance. Single-Family Dwellings used as Short-Term Rentals must be insured as a commercially, rented property with a liability policy of at least \$1,000,000. 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.

(i) 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:

(1) The Benona Township Zoning Short Term Rental Ordinance.

(2) Information regarding trash receptacle pick-up, property boundaries, on-site parking, limitations on day-time visitors per subsection (b)(2) above, and common areas which are available for the renters' use; and any association covenants that may apply.

(3) Nuisances. The owner shall be responsible for all nuisance activity occurring on the premises licensed for short term rentals and when notified by the Township or a police agency, shall take immediate steps to abate all nuisances and nuisance conditions occurring on or about the premises. Failure of the owner to control nuisance activity by occupants shall be grounds for the termination of the short term rental license.

(j) Adequate trash receptacles. All Single-Family Dwellings used as Short-Term Rentals must have

adequate trash receptacles.

(k) *Parking.* All parking associated with a Short Term Rental shall be off of the roadway and entirely on-site, in the garage, driveway or other improved area.

Sec. 01-06. Violations; revocation of registration.

(a) *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 Township ordinance, violations of this Ordinance are subject to the following fines:

(1) *Short-term rental of unregistered dwellings.* The operation of an unregistered Short-Term Rental is \$100 permit fee for a first violation and \$250 for each subsequent violation;

(2) *Maximum occupancy.* The fine for exceeding the maximum occupancy permitted for a Short-Term Rental is \$100 for a first offense and \$250 for a second offense; and revocation of permit for a third offense.

(3) *Other provisions.* Fines for other violations of this Ordinance are \$100 for a first offense, \$250 for a second offense, and revocation of permit for a third offense.

(b) Revocation of registration.

(1) 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 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 or any renter for a violation of one or more of the following:

(A) Any provision of this Ordinance;

(B) Any provision of any other Township ordinance, including its Noise Ordinance, Controlled Substances and Offenses Against Public Peace Ordinance, Zoning Ordinance, and any other Township ordinance, section of the Zoning Ordinance, or permit or approval process; or

(C) Any violation of any other local, state, or federal law or regulation.

(2) *Revocation Procedure.* Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator 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 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Planning Commission 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 (b)(1) are not satisfied, or that the Owner 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 could not reasonably anticipate and prevent, and could not reasonably control.

(3) **Revocation Period and Effect.** Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year, and cannot be used for Short-Term Rentals until re-registered.

Sec. 01-07. Review after implementation; required before amendment or repeal. public hearing

(a) Review after implementation. Not later than November 1, 2022, the Township Board shall begin a review of this Ordinance to determine whether its implementation has achieved its intent; to determine whether the fees received by the Township for the registration of ShortTerm Rentals approximately equal the costs of enforcement incurred by the Township pursuant to this Ordinance; and to determine what, if any, amendments should be made to this Ordinance.

(b) Public hearing required. The Township Board shall hold a public hearing before amending or repealing any provision of this Ordinance, publishing notice in a newspaper of general circulation in the Township and posting notice in Township Hall and on the Township's website at least 15 days prior to such meeting.

7 Sec. 01-08. Effective date.

This Ordinance was approved and adopted by the Township Board of the Township of Benona, Oceana County, Michigan, on _____. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper of general circulation in the Township's website at least 15 days prior to such meeting.

Steve Fleming, Township Supervisor

Margi Shaw, Township Clerk