
Sidney Township

ORDINANCE NO. 2023-01

**ORDINANCE TO AMEND THE TOWNSHIP’S ZONING ORDINANCE TO
ADD SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE**

1. Title

This ordinance shall be entitled “The Short-term Rental of Residential Dwellings Ordinance of Sidney Township, Michigan.”

2. Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating in a Residential Dwelling within Sidney Township is adequate for protecting public health, safety, and general welfare, including establishing minimum standards for human occupancy, and for an adequate level of maintenance; determining the responsibilities of owners, agents and property managers offering properties for tourists and transient occupants; to provide minimum standards for the health and safety of persons occupying or using buildings, structures or premises in the Township; to protect the character and stability of neighborhoods within the Township; and provisions for the administration and enforcement thereof.

3. Amendment to Article 3 Definitions

Article 3 of the Township’s Zoning Ordinance is hereby amended to add the following definitions:

- A. “Property Owner” means the person or entity who owns the residential dwelling that is being rented.
- B. “Resident Agent” means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- C. “Residential Dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a single family dwelling, to the exclusion of all others.
- D. “Short-term Rental” means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

4. Addition of Section 3.21.

A section 3.21 shall be added to the Township's Zoning Ordinance to read, in its entirety, as follows:

Section 3.21 Short-Term Rentals

1. Short-term Rental License

A. No person may maintain, manage, or operate a Short-term Rental without a Township Short-term Rental license issued pursuant to this ordinance.

B. Licenses shall be issued using the following procedures:

1. All applications for a Short-term Rental license shall be filed with the Township zoning officer on forms provided. Applications must be filed by the Property Owner or authorized Resident Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

2. The zoning officer shall issue a Short-term Rental license to all applicants following payment of the required fees and inspection of the residence, receipt of all fully completed documentation and information requested by the application, and application approval by Township board or its designee. However, if the Township receives more applications for a given area than would be permitted under sections 2(A) and (B), licenses shall be granted on a first-come, first-serve basis.

3. A Short-term Rental license shall be effective for one year. The annual licensing term begins the day it is approved and is good for one year. A fully completed renewal application and renewal fee must be filed with the zoning officer at least forty-five (45) days prior to license expiration so that the Township board or its designee, if required, has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void, and a new application is required any time the ownership of a residential dwelling licensed for Short-term Rentals changes. If a license is not renewed or otherwise becomes void, the license will automatically come available for other applicants to apply and seek the license using the same process described in this section. Suspension of a license under this Ordinance will not result in availability of that license for other applicants unless the suspension becomes a revocation, non-renewal or otherwise becomes void pursuant to this Ordinance.

4. Inspection will be completed by the zoning officer. Inspections will consist of the following:

- a) Parking is adequate for the number of occupancies, labeled with clear signage. Adequate parking is further addressed under section 3.21 paragraph 2(C)(9) this Ordinance.
- b) Property lines are clearly marked.
- c) Fire extinguishers are present, in which it must be shown that there is one fire

extinguisher per floor and smoke detectors/carbon monoxide detectors are present in each legal bedroom.

- d) Bedrooms have two paths of egress.
- e)The residence is safe for occupancy.
- f) Contact numbers are clearly posted.
- g) Rules of the rental and area such as lakes are clearly posted.
- h) Dock for lake front properties, if the property has a dock.
- i) Any additional needs related to the property based on the zoning officer

5. The Township board may suspend, revoke, reject or non-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee:

- a) failed to comply with any of the requirements of this ordinance;
- b) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on two (2) or more separate occasions within the past twelve (12) months; or
- c) has outstanding fees, taxes, or forfeitures owed to the Township in violation of Township Ordinances.

2. Operation of a Short-Term Rental

Each Short-term Rental shall comply with all of the following requirements:

A. Short-term Rentals shall be a permitted use in all zoning districts. However, only 10% of properties in each zoning district may be used as short-term rentals.

B. Only 10% of properties with deeded access to each lake in the Township may be used as short-term rentals.

C. Each Short-term Rental shall comply with all of the following requirements:

- 1. No person may maintain, manage, or operate a Short-term Rental without a Short-term Rental license. Every Short-term Rental shall be operated by a Property Owner or a Resident Agent.
- 2. No recreational vehicle, camper, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- 3. No docks that infringe on others property lines.
- 4. No watercraft that is tied up to the land without a dock.
- 5. No watercraft that would infringe on other property owners.
- 6. Each person is required to have 40sqft of personal space inside the dwelling.

This would entail that the dwelling will be limited to the amount of people based on this number. i.e. for 100 sqft there can be 2 people.

7. If the property is not served by a public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance must serve the property.

8. If the property is serviced by public sanitary sewer, occupancy is limited to the number of occupants authorized above.

9. Parking shall be clearly marked and limited to the spaces marked with signs on the dwellings respected property. All renters must comply with standard parking laws at minimum. (As an example, no parking may occur on single lane roads). Beyond this requirement, for units that hold more than 12 renters, all vehicles of those at the residence must be parked on the property itself during quiet hours. Legal street parking as otherwise allowed by law is allowed for renters.

10. Pets that accompany a renter are subject to all ordinances and laws, with the following additional requirements:

a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.

b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.

11. Renters shall never leave pets outside and unattended. From 10PM to 7AM quiet hours shall be enforced. All activities shall be in compliance with the Township noise ordinance and other applicable ordinances.

D. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.

1. This requirement may be waived if there is a valid Resident Agent (point of contact) located in the 75 mile range, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Township and notify the Township within thirty (30) days of termination of any such contract.

E. The Property Owner and/or Resident Agent must provide the Township with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone during a rental. The Township must be notified within twenty-four (24) hours of any change in contact information.

F. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:

1. The maximum number of overnight occupants

2. The name and phone number of the Property Owner or Resident Agent

3. A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces

provided for renters

4. Quiet hours of 10PM to 7AM; Fireworks strictly prohibited
5. Pet Policy: Leash requirements, and minimize noise
6. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
7. Outdoor burning regulations
8. Notification that the occupant may be cited or fined by the Township or immediately evicted by the property owner or resident agent, in addition to any other remedies available at law, for violating any other provisions of this ordinance
9. Notification that failure to conform to the occupancy requirements of the short term rental house is a violation of this ordinance.
10. Floor plan with evacuation routes

G. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:

1. Telephone contact information to enable neighboring residential property owner or Township personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
2. Provide copy of property rules that is provided to renters.

Provide their license number.

H. The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:

1. Maximum overnight occupancy
2. Quiet Hours: 10PM to 7AM; Fireworks strictly prohibited
3. Pets leashed and are not to be left unattended outside.
4. Maximum off-street parking spaces

I. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.

3. Penalties

A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon finding of a violation, pay a forfeiture of not less than \$300.00 no more than \$500.00 and the 3rd violation (and all subsequent violations) is \$1,000, plus the applicable surcharges,

assessments, costs, including actual attorney's fees, for the prosecution and enforcement of this Ordinance for each violation. A violation of this ordinance shall be considered a civil infraction. A citation of a violation may be issued by any member of the Township Board or any agent designated by the Township to have such power.

B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

C. Penalties not paid within 90 days shall result in the offending person or entity's short-term rental license being suspended with the license not being restored until the penalty is paid in full.

D. Penalties not paid within one year of a finding of a violation shall have their license permanently revoked and said license shall only be restored upon following the procedures under Section 9 of this Ordinance.

4. Fees

A yearly license fee of \$200 shall be required and paid to the Township. An additional fee of \$100 will be required for each inspection of the dwelling. A dwelling must be inspected before a license is issued, and a dwelling shall be required to be inspected every three years thereafter.

5. Revocation of Permit; Appeal

A. The license holder submits a written request for an appeal to the Township Board. The appeal shall be filed in writing within ten (10) calendar days of the date of notice of the administrative decision. At least two (2) business days before the appeal hearing occurs, the Township shall provide the permit holder with notice of the time and place of the hearing. The license holder shall be permitted to attend and be heard at the hearing. The Township Board shall hear and rule on the appeal within thirty (30) calendar days after notice of the appeal.

B. Administrative process. A notice required by this Section is properly served when it is delivered to the license holder via hand-delivery, or when it is sent by registered or certified mail, return receipt requested, or when it is sent via Federal Express or any courier service that provides a return receipt showing the date of actual delivery to the last known address of the permit holder. The notice will also be posted at the residence in question. The hearings provided for in this Section shall be conducted by the applicable regulatory authority at a time and place designated by it. The applicable regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the applicable regulatory authority.

6. Severability.

The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of

competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

7. Effective Date.

This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

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Supervisor: _____
Terry Peterman

Date: July 3, 2023

I hereby certify that the foregoing is a true and complete copy of the Sidney Township Short-term Rental Ordinance adopted by the Sidney Township Board at a regular meeting held on November 7, 2022

Clerk: _____
Carrie Wills

Date: July 3, 2023

CLERK'S CERTIFICATION

THE UNDERSIGNED Carrie Wills, Clerk of Sidney Township, certifies that the above Ordinance No. 2023-01 entitled "ORDINANCE TO AMEND THE TOWNSHIP'S ZONING ORDINANCE TO ADD SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE" was adopted by the Sidney Township Board at a regular meeting held Monday, July 3, 2023 and that the roll call vote was as follows:

FOR: Stover, Wills, Peterman

AGAINST: Leyrer

ABSENT: Benko

Carrie Wills, Township Clerk