

SPRING LAKE TOWNSHIP

ORDINANCE NO. 255

SHORT-TERM RENTAL REGULATIONS ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF SPRING LAKE TOWNSHIP, OTTAWA COUNTY, MICHIGAN, TO ADD A NEW ARTICLE V TO CHAPTER 6, ENTITLED SHORT-TERM RENTAL REGULATIONS, WHICH PROVIDES FOR THE LICENSING AND REGULATION OF CERTAIN RESIDENTIAL RENTAL UNITS; AND TO ESTABLISH AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Adoption of Article. Article V of Chapter 6 of the Spring Lake Township Code of Ordinances is added, which Article will be known and cited as the "Short-Term Rental Regulations," and shall read in its entirety as follows.

ARTICLE V. SHORT-TERM RENTAL REGULATIONS

Sec. 6-101. Purpose.

These standards are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhoods in which Rentals are located. All Rentals shall meet the standards contained herein and shall be so located and constructed that the average neighbor, under normal circumstances, will not be aware of its existence.

These standards are also to provide for and protect the welfare of full-time residents and to discourage the purchasing of property for vacation Rental uses.

Sec. 6-102. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Bedroom means a room which is intended, arranged, and designed to be occupied by one or more persons primarily for sleeping purposes.

Dwelling means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and one or more separate Bedrooms for sleeping.

License means a Short-Term Rental License.

Limited Short-Term Rental means the Rental of any Dwelling for any one or two Rental periods of up to 14 days, not to exceed 14 days total in a calendar year.

Maximum Occupancy means the maximum number of allowable Occupants for the Dwelling, as established by section 6-105(k).

Occupant means an individual living in, sleeping in, or otherwise having possession of a space.

Owner means a person holding legal or equitable title to the Premises. An Owner may designate an agent to perform duties or receive notice under this article.

Premises means the property, including any land and the improvements on it, such as a building or other designated structure.

Rent or Rental means to permit, provide for, or offer possession or occupancy of a Dwelling in which the Owner does not reside for a period of time to a person who is not the legal Owner of record, pursuant to a written or unwritten agreement.

Short-Term Rental means the Rental or subletting of any Dwelling for a term of 27 days or less, but the definition does not include the use of campgrounds, hotel rooms, 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.

Sec. 6-103. Rental registration and License required.

Short-Term Rentals shall be registered and Licensed with the Community Development Director prior to commencement of any Rental activity related to them.

Sec. 6-104. Applicability and exceptions.

The following circumstances do not constitute a Rental:

- (a) *Family occupancy.* Any member of a family, as well as that family member's guests, may occupy a Dwelling as long as that family member's family owns the Dwelling. Family occupancy also exempts guest houses or similarly separate Dwellings legally located on the same Premises as the Owner's domicile, when occupied by family guests, exchange students,

visitors, medical caregivers, and child caregivers, without remuneration to the Owner.

- (b) *House sitting.* During the temporary absence of the Owner and the Owner's family, the Owner may permit non-Owner occupancy without remuneration to the Owner.
- (c) *Dwelling sales.* Occupancy of up to 90 days by a prior Owner after the sale of a Dwelling under a Rental agreement following closing is permitted.
- (d) *Estate representative.* Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration is permitted. The estate shall notify the township of the Owner's name, date of death, and name of the person occupying the Premises.

Sec. 6-105. Performance standards.

All Short-Term and Limited Short-Term Rentals shall be subject to the following performance standards:

- (a) The Owner shall provide off-street parking on paved portions of the Premises and not in the yard to accommodate all Occupants' vehicles, including motor vehicles and trailers.
- (b) Rental of the Dwelling shall be done in a manner that is consistent with the intent of a single family residential neighborhood.
- (c) The Owner shall provide the Occupant and the township with the following information prior to occupancy and post such information in a conspicuous place within the Dwelling:
 - (1) The name of a contact person and a telephone number at which the contact person may be reached any time that the Dwelling is Rented;
 - (2) Notification of the Maximum Occupancy permitted in the Dwelling;
 - (3) Notification and instructions as to the parking locations;
 - (4) A copy of this article, as may be amended from time to time; and

- (5) Notification that an Occupant may be cited or fined by the township, in addition to any other remedies available at law, for violating any provision of this article.
- (d) The Owner's contact person must be available to accept telephone calls at all times that the Dwelling is Rented. The contact person must have a key to the Dwelling and be capable of being physically present at the Dwelling within three hours to address issues, unless arrangements are made for another person to address issues within the same timeframe.
- (e) The Owner shall notify neighbors within 500 feet from the Dwelling in writing that the Dwelling will be Rented and shall provide the contact person's information as well.
- (f) The appearance of the Dwelling shall not conflict with the residential character of the neighborhood. The Dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.
- (g) Occupants shall not encroach on neighboring properties.
- (h) Owners shall provide sufficient waste receptacles substantially screened from view; and the Premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
- (i) Campfires shall be maintained in designated fire pits and comply with applicable fire codes.
- (j) Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following:
- (1) Any activity that violates the township noise regulations found in chapter 14, article II of the township's Code of Ordinances;
 - (2) Any outside noise that is audible at the property line of the Premises occurring between 10:00 p.m. and 7:00 a.m. on weeknights (Sunday, Monday, Tuesday, Wednesday, and Thursday), and between 11:00 p.m. and 7:00 a.m. on weekend nights (Friday and Saturday); and
 - (3) Any activity that violates the township firework regulations found in chapter 16, article IV of the township's Code of Ordinances.
- (k) The Maximum Occupancy for any Dwelling is 12 individuals, subject to any applicable local, state, or federal laws, regulations, or ordinances.

Campers and tents to provide additional occupancy on the Premises are not permitted.

Sec. 6-106. Duration.

A License issued under this article shall be valid for a period of three years from the date of issuance.

- (a) *Renewal.* A request for renewal shall be submitted at least 30 days before the expiration date or within 30 days of a sale or transfer of ownership of the Dwelling. The renewal forms shall be provided by the township. If no information has changed since the previous registration and License approval, the information previously submitted may be incorporated by reference.
- (b) *Noncompliance.* Any change in the use or construction of a Dwelling that results in noncompliance with the standards of any township or State standards, as determined by the Community Development Director, shall void the License.

Sec. 6-107. Rental limitations.

- (a) A Dwelling that is issued a License under this article may be Rented subject to the following limitations.
 - (1) In the agricultural district, a Dwelling may be Rented for any time period, as often as the Owner decides. Accordingly, Short-Term Rentals are permitted in this district.
 - (2) In the rural residential district, a Dwelling may be Rented for any time period, as often as the Owner decides. Accordingly, Short-Term Rentals are permitted in this district.
 - (3) In the R-3 district, a Dwelling may be Rented for any time period, as often as the Owner decides. Accordingly, Short-Term Rentals are permitted in this district.
 - (4) In the R-4 district, a Dwelling may be Rented for any time period, as often as the Owner decides. Accordingly, Short-Term Rentals are permitted in this district.
 - (5) In the mixed use commercial district, a Dwelling may be Rented for any time period, as often as the Owner decides. Accordingly, Short-Term Rentals are permitted in this district.

- (6) In the R-1 district, no Short-Term Rentals are permitted. Only Rental periods of 28 days or more are permitted.
- (7) In the R-2 district, no Short-Term Rentals are permitted. Only Rental periods of 28 days or more are permitted.
- (b) Limited Short-Term Rentals, as defined in section 6-102, may occur in any district.

Sec. 6-108. Suspension or revocation of License.

In addition to any other penalty authorized by law, a License may be suspended or revoked if the Community Development Director finds by competent, material, and substantial evidence, and after written notice of the charges to the Owner and an opportunity to be heard, that the Owner has violated or failed to fulfill the requirements of this article. The written notice of the charges and the notice of hearing shall be personally served on the Owner or served on the Owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Community Development Director.

- (a) Upon a finding by the Community Development Director of a first violation within any 12 month period, the License may be suspended for up to 30 days during which time the Premises shall not be Rented.
- (b) Upon a finding by the Community Development Director of a second violation within any 12 month period, the License shall be suspended for 60 days during which time the Premises shall not be Rented.
- (c) Upon a finding by the Community Development Director of a third violation within any 12 month period, the License shall be revoked and the Owner shall not again be issued a License for a period of 24 months, during which time the Premises shall not be Rented. Appeal from denial or suspension or revocation of a License is allowed, as provided in section 6-109.

Sec. 6-109. Appeal.

Any Owner whose application was denied or whose License was suspended or revoked by the Community Development Director, may, within 10 days following such decision, appeal to the township board. The township board shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with this article.

- (a) *Notice.* At least 14 days prior to the township board meeting to consider the appeal of the Owner, the Community Development Director, shall send, by United States mail, certified, written notice to the Owner of the

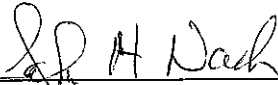
time and place at which the township board will consider the denial, suspension, or revocation, and the Owner shall be provided an opportunity to be heard by the township board prior to its decision being made. All neighbors within 500 feet must also be notified by United States mail the date, time, and location of the township board meeting.

- (b) *The decision.* The decision of the township board shall be final. The clerk of the township board shall notify the Owner, in writing, of the decision of the township board.
- (c) *Right to appeal.* If the township board affirms the decision of the Community Development Director denying an application or suspending or revoking a License, the Owner shall have the right to appeal the township board decision to the circuit court. The decision of the township board shall not be vacated during the pendency of any appeal to circuit court. The Owner has the right to seek a stay in circuit court.

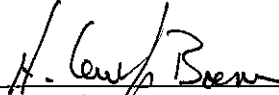
Sec. 6-110. Penalties.

In addition to a potential suspension or revocation of a License pursuant to section 6-108, any person who violates this article, shall also be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in chapter 22 article III, pertaining to municipal civil infractions.

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Township of Spring Lake, Ottawa County, Michigan, on December 12, 2016. 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, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.



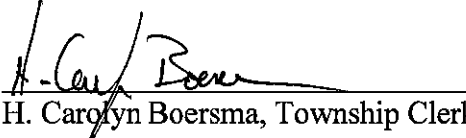
John Nash, Township Supervisor



H. Carolyn Boersma, Township Clerk

CERTIFICATE

I, H. Carolyn Boersma, Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Short-Term Rental Regulations Ordinance was adopted at a regular meeting of the Township Board held on December 12, 2016. The following members of the Township Board were present at that meeting: Nash, Koster, Boersma, Lindquist, Rabideau, and Terpstra. The following members of the Township Board were absent: Homan. The Ordinance was adopted by the Township Board with members of the Board Nash, Koster, Boersma, Lindquist, Rabideau, and Terpstra voting in favor and no members of the Board voting in opposition. The Ordinance or a summary was published in the *Grand Haven Tribune* on January 7, 2017.


H. Carolyn Boersma, Township Clerk