STAMBAUGH TOWNSHIP
ORDINANCE NO. 33

AN ORDINANCE TO REGULATE AND CONTROL SHORT-TERM RENTALS ON PRIVATE PROPERTY AND TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE TOWNSHIP OF STAMBAUGH ("Township") ORDAINS:

Section 1: Purpose

The Stambaugh Township Board declares and ordains as follows:

A. That Stambaugh Township wishes to preserve and retain the agricultural and residential character of Stambaugh Township and promote the health, welfare, and safety of all citizens and visitors in Stambaugh Township. This ordinance is intended to require licensing for short-term rentals and set regulations therefore within the Township.

Section 2: Applicability

No property owner shall rent or cause to be rented a Dwelling Unit or a portion thereof, within Stambaugh Township, for a period of less than thirty (30) days without first obtaining a Short-Term Rental License for that Dwelling Unit in accordance with the requirements of this Ordinance.

Section 3: Definitions

Dwelling Unit: 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 bedrooms for sleeping or designated sleeping areas. Hotel, motel, and condominium buildings with more than 3 units are excluded.

Local Contact Person or Caretaker: A local property manager, owner, or agent of the owner who is available as provided herein to respond to renter and neighborhood questions or concerns; or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Ordinance.

Renter: As used in this Ordinance, a renter is an occupant, of a Short-Term Rental pursuant to a rental agreement written or verbal for a term of less than 30 days. This term does not include guests of the occupant or renter who are visiting between the hours of 7:00 a.m. and 10:00 p.m.

Short Term Rental: A Dwelling Unit and the related property or a portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) days.

Property: means the lot or lots or parcel of land on which the Dwelling Unit is located.

Occupancy: The maximum occupancy for the short-term rental is no more than two (2) persons per bedroom, plus two (2) additional occupants. **CHILDREN UNDER THE AGE OF SIX (6) ARE NOT INCLUDED IN THE COUNT.** If no separate bedrooms exist within the Dwelling Unit, four (4) people per bathroom.

Section 4: Short-Term Rental Standards

The Stambaugh Township Zoning Administrator or staff shall issue a Short-Term Rental License when the applicant demonstrates that policies and procedures applicable to the rental are in place for compliance with the following standards and requirements:

A. Only one (1) dwelling unit per parcel shall be leased or rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle or camper or accessory building. Hotels, Motels, and Resort areas such as Ski Brule are exempt.

B. Maximum occupancy shall be determined as specified herein, based on the number of bedrooms permitted by the capacity of the septic system in accordance with the State of Michigan Building Code (as set forth below), and shall be stated on the license.

   1) Michigan Septic Tank Size by Bedrooms

   - 1-3 bedrooms: 1,000-gallon tank (minimum)
   - 4 bedrooms: 1,250-gallon tank
   - 5 bedrooms: 1,500-gallon tank
   - 6 bedrooms: 1.750-gallon tank
   - https://septicandwell.com/articles/michigan-septic-tank-size-guide

C. Local Contact Person or Caretaker:

   1) Each owner of a Short-Term Rental must designate a local contact person/caretaker who has access and authority to assume management of the unit and take remedial action as needed.
   2) The local contact person/caretaker must be available twenty-four (24) hours a day during the rental period and be within thirty (30) minutes' travel time of the property.
   3) The Township will provide the phone number of the local contact to all adjacent neighbors and those within three hundred (300) feet of the subject property.

D. Special events, outdoor events, lawn parties, weddings, bachelor/bachelorette parties, or other similar activities are not allowed on the property for more than the number of permitted renters or occupants and must end at 10:00 p.m. Does not apply to the property owner.

E. Pets must be secured or on a leash at all times while outside of the unit.

F. All refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be picked up on a regular basis by a waste hauler.

G. All overnight parking associated with a Short-Term Rental, including any motor vehicle or any trailered item (boat, jet-ski, snowmobile, etc.) shall be parked out of the roadway and entirely on property, in the garage or driveway.

H. Campfires:

   1) All campfires shall be contained in a fire ring or comparable container and under the direct supervision of an adult at all times.

I. All Short-Term Rentals shall observe quiet hours between 10:00 p.m. and 7:00 a.m.

J. The owner shall maintain a well and septic system or sewer connection that complies with District Health Department Standards.

K. The dwelling unit must be in compliance with safety requirements of current Iron County building officials and code authority (BOCA) codes. (Examples: living area, egress windows, mechanical systems, fire extinguishers, etc.)

L. The Owner shall require these standards to be met by renters as part of all rental agreements and listing regulations.

M. Taxes. The person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax for any stay of 30 nights or less.

N. The number of short-term rentals per district will be determined by spacing and distance between parcel lines. L-1 and L-2 Lakes Districts will have a spacing of 1,000 feet between parcel lines as well as the S-District**. A and AR-Districts will have a spacing of 1,000 feet between parcel lines.** These standards shall be prominently posted within the dwelling unit as a reference to the renters.

O. Spacing regulations will not apply to already established resort areas. Such as Ski Brule.

Section 5: Short-Term Rental Application and License

A. Application: The application form for a Short-Term Rental shall include the following:

1) Address of the rental parcel
2) Name, address and signature of the parcel owner(s).
3) Number of approved bedrooms according to the size of the septic tank in the dwelling shall be filled out accurately according to the State of Michigan Building Code (as set forth in Section 4, Letter B). If the Short-Term Rental does not include the whole house, then specify the total number of approved bedrooms that are part of the rental and maximum capacity.
4) Contact Information, including the name, address and 24-hour contact phone number of the **local contact person/caretaker.**
5) A Septic System Inspection Report which identifies the size of tank and septic field or other confirmation of septic status (if not connected to a sewer system) and a well permit or shared well agreement for a private well permitted by the District Health Department.
6) A copy of Short-Term Rental license and Guest Regulations shall be posted in an obvious place in the Short-Term Rental.
7) All Short-Term Rentals currently in business will be required to have a license and meet the requirements.

B. License:

1) A separate annual license is required for each Short-Term Rental Parcel.
2) All Short-Term Rental Licenses shall be issued by calendar year and will expire on December 31st of each calendar year and must be renewed each year.
3) The Zoning Administrator or staff shall issue all Short-Term Rental Licenses.

4) The Zoning Administrator or staff will maintain a list of Short-Term Rental Licenses issued.
5) Short-term rentals will be noted on the Stambaugh Township GIS Mapping.
6) Short-term rental licenses are not transferable. If the property is sold and a new owner wants to keep the Short-Term rental active, a new license in the new owner's name must be applied for. If the license is revoked or not renewed by the original owner, a new license will not be granted if the Short-Term Rental does not comply with the spacing requirements.

Section 6: Fees

The parcel owner of a Short-Term Rental shall pay annual license and inspection fees as determined by the Stambaugh Township Board.

Section 7: Violation of License, Suspension or Revocation

- The following conduct is a violation of the STR Ordinance:
  - Any advertising or leasing of an STR without first having obtained a license.
  - The license holder has violated any of the provisions of this Ordinance.
  - Any false or misleading information supplied in the application process.
  - RENTAL NEGLIGENCE/MISUSE OF PARCEL.

A. All owners and any person, firm, corporation, or organizations, who violates, disobeys, omits or refuses to comply with any provisions of this ordinance or lawful order of the zoning administrator, or designated individual, planning commission, zoning board of appeals or board issued in pursuance of this ordinance shall be responsible for a municipal civil infraction punishable by the sanctions as set forth in the existing Stambaugh Township zoning ordinances. Each day that a violation continues may be deemed a separate infraction.

B. Enforcing officials or designated individual are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices of this ordinance.

C. The sanctions for any violation of this ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under act 12 through 26, public acts of Michigan of 1994 and the code of ordinances of Stambaugh township, including all cost incurred by the Township, including all cost incurred by the township for enforcement including attorney fees.

D. The township shall also be entitled to equitable relief to abate the violations and to such other relief as may be available **to the TOWNSHIP PURSUANT TO CHAPTERS 83 AND 87 OF THE MICHIGAN REVISED JUDICATURE ACT, PUBLIC ACT 236 OF 1961. AS AMENDED, BEING MCL**
600.101 ET SEQ; AT THE PRESENT TIME OR IN THE FUTURE.

E. The Township may notify the license holder and/or local contact person of such violation by telephone or return receipt email. The license holder and/or local contact person shall be deemed to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the Zoning Administrator or designated individual, whichever is sooner.

- The license holder and/or local contact person shall ensure that the violation is remedied.
- Failure to remedy the violation in a reasonable time period after receiving notice of the violation without cause shall constitute a violation of this ordinance.
- In the event the Zoning Administrator or designated individual determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, he/she may require that immediate measures be taken to correct the violations.

- The penalties for violations specified above are as follows:
  - For a first violation, the penalty is a warning notice of violation which may be verbal and/or written.
  - A second violation shall be subject to a municipal civil infraction punishable by a fine established from time to time by resolution of the Board. Each day that a violation continues may be deemed a separate infraction.
  - A third violation shall be subject to a municipal civil infraction punishable by a fine established from time to time by resolution of the Board and the license shall be revoked. An owner may reapply for a license no sooner than twelve (12) months after revocation of a license.
  - If there are one or more violations each year, the license may be revoked. An owner may appeal a decision to revoke a license to the Stambaugh TOWNSHIP BOARD.

Section 8: Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Stambaugh Township Board may initiate a proceeding in the Circuit Court to abate or eliminate the violation of the Ordinance; in this regard, a violation of this Ordinance shall constitute a nuisance per se.

Section 9: Severability

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise Invalid or unenforceable by a court of competent jurisdiction, said declaration shall not affect remainder of the Ordinance.

Section 10: Effective Date

This Ordinance shall become effective 30 days after its publication in a newspaper of general circulation in Stambaugh Township.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Stambaugh Township Board at the May 14th Stambaugh Township Board meeting held at the Stambaugh Township Hall pursuant to the required statutory procedures.

Respectfully submitted by:

Kevin Isaacson

Stambaugh Township Supervisor