

STATE OF MICHIGAN
COUNTY OF ARENAC
TOWNSHIP OF WHITNEY

ORDINANCE NUMBER 2019-

An Ordinance regulating the rental of homes located in all residential (R1, R2 and R3) districts.

THE TOWNSHIP OF WHITNEY ORDAINS:

SECTION 1 – TITLE

This ordinance shall be known as the Whitney Township Residential Rental Ordinance.

SECTION 2 – PURPOSE

The Whitney Township Board finds and declares as follows:

- A. Township staff and board members have received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at residential properties being rented to vacationers.
- B. The transitory nature of occupants who are renters rather than owners makes continued enforcement against the renters difficult.
- C. The provisions of this ordinance are necessary to prevent negative impacts on county and township services, and on the neighborhoods surrounding these residential rental properties, and their property values, and the general peace, health, welfare, and safety of all concerned.
- D. It is the intent of the Whitney Township Residential Rental Ordinance to be supportive of the purpose of residential ownership as contemplated by township ordinance, and the law in general.

SECTION 3 – APPLICABILITY

All requirements, regulations and standards imposed by this ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in all other township ordinances. Further, this ordinance does not negate any of the requirements outlined in deeds, associations or rental agreements concerning the subject property, but may supersede same.

SECTION 4 – DEFINITIONS

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit – a group of rooms located within a principal building and forming a single habitable unit having facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Local Contact Person – A local property manager, owner, or agent of the owner, who is available to respond immediately to tenant and neighborhood questions or concerns, or any agent of the owner authorized by said owner to take remedial action and respond to any violation of this ordinance.

Non-Resident Owner - The person or entity that holds legal or equitable title to the private property, and/or has been empowered, by way of power of attorney or otherwise, to manage the property on behalf of the record titleholders so as to be in an empowered position to rent said residential premises, and whose primary residence is elsewhere.

Parking Space – An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle and/or trailer.

Person – An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Resident Owner – The person or entity that holds legal or equitable title to the private property, and/or has been empowered, by way of power of attorney or otherwise, to manage the property on behalf of the record titleholders so as to be in an empowered position to rent said residential premises, and whose primary residence is said property.

SECTION 5 – STANDARDS FOR RESIDENTIAL HOME RENTALS

Both resident and non-resident owners may rent their properties, without a permit or permit, to other persons for periods of three months or greater, provided the lessee intends to use the home as a temporary residence. No further subletting of the property is permitted during that calendar year. Resident owners may rent their properties for short-term use (7 days), provided they are issued a permit to do so, as outlined below. Non-resident owners are required to obtain a variance regarding their specific zoning if their intent is to utilize their property as a frequent short-term rental property (7 days).

In all of these cases, residential rentals must meet the following standards, whether or not a permit is required:

- A. The minimum length of a short rental period is seven (7) days.
- B. Local Contact Person
 1. Each owner of a residential home rental property must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.

2. The local contact person must be available 24 hours a day during the rental period and be within 45 minutes travel time of the property.
 3. A working phone number of the local contact person must be provided to all adjacent neighbors of the subject property boundaries.
 4. An owner who meets the requirements of numbers 1 through 3 above may designate themselves as the local contact person if desired.
- C. The occupancy of the rental property may not exceed:
1. Two (2) persons per bedroom
- D. The total number of persons utilizing the property (including day guests) shall not exceed fourteen (14) persons, or the number set by the Central Michigan Health Department based on the existing septic system on the property. No portable toilets or other external means are allowed onsite for waste.
- E. All parking associated with a rental property shall be entirely onsite, and parking on road right-of ways is strictly prohibited.
- F. Cultural events, special events, outdoor events, lawn parties, weddings, or similar activities by renters are not permitted.
- G. Pets shall be secured on the property or on a leash at all times.
- H. Fireworks of any kind are not allowed on rental properties except when allowed by State Legislation (PA 256).
- I. The owner shall maintain a properly functioning septic system or sewer connection per the Central Michigan Health Department standards. Additional portable waste devices/facilities are not permitted on the rental property. Please refer to Section 7, Part B, Item 6.
- J. All advertising handouts, flyers, or any other information provided for residential rentals shall conform to the approved occupancy limits and other standards as set forth herein.
- K. The owner shall post these standards in a prominent place within the residence and include them as a part of all rental agreements.
- L. A logbook must be maintained and made available for inspection by the Zoning Administrator at any time from 8:00 am to 5:00 pm weekdays. Such log shall include names of all rental guests, their addresses, and dates of stay.

SECTION 6 – OWNER RESPONSIBILITIES

- A. The owner must ensure the required standards as stated in Section 5 are met.

- B. The owner must use best efforts to assure that the occupants or guests of their rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any state law pertaining to noise or disorderly conduct by notifying the occupants of the regulations as set forth below respond immediately when notified that occupants are violating the rules of their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place him or herself in harm's way; rather, they should immediately contact local authorities.

- C. The owner or local contact person must, upon notification that occupants or guests of his or her residential home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this ordinance, or state law pertaining to noise or disorderly conduct, immediately use best efforts to prevent a recurrence of such conduct by those occupants or guests and upon a second notice immediately terminates said rental.

SECTION 7 – PERMITS; APPLICATION AND ISSUANCE

It shall be necessary for any person wishing to advertise their home as a rental property, or for any resident owner who rents their private property for more than 4 weeks during a calendar year, or for non-resident owners who plan to rent their property, to apply for and be issued a permit pursuant to this Ordinance.

- A. A separate permit is required for each rental property or home.

- B. An application for a permit must include each of the following:
 - 1. Completed Application Form – a fully completed and signed Residential Rental Permit Application form provided by the township.
 - 2. Contact Information – A local contact available by phone 24 hours a day, seven days a week whenever the unit is utilized as a rental.
 - 3. Rental Rules – Rental rules pertaining to this property, if any, in addition to those required by this ordinance.
 - 4. Floor Plan – A floor plan of the rental property including a description of each room and its intended use. A sample is included in the application packet.
 - 5. Occupancy – The planned maximum number of occupants to be accommodated while in use as a rental, as outlined in this ordinance.
 - 6. Health Department Approval – Written certification from the Central Michigan Health Department that the septic provided to the unit is acceptable for the number of occupants listed in #5 above.

7. Verification of Septic – A paid receipt dated within 5 years of the application, verifying that the septic system has been inspected and emptied.
8. Parking Site Plan – A drawing or schematic of the parking plan to be used by visitors/renters must accompany the application.
9. Deed Restrictions – A copy of any deed restrictions on the property.
10. Trash/Sanitation Plan – A description of the procedures given to tenants of the rental property, outlining what they are to do with trash and debris from their stay.

C. A residential rental permit is valid for one (1) year from the date of issue.

SECTION 8 – VIOLATIONS AND ADMINISTRATIVE PENALTIES

- A. This Ordinance shall be enforced by the Civil Infraction Ordinance in effect and/or as amended by the Township of Whitney and shall bear the penalties as set forth therein.
- B. Civil Action – A violation of this ordinance shall be a nuisance per se. The Township shall have a right to commence a civil action to enforce the compliance with this ordinance.

SECTION 9 – REPEALER

Any and all ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof, including the prior ordinance provisions of the Township adopting the 2003 Edition of the International Fire Code and appendices thereto.

SECTION 10 – SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 11 – SAVINGS

All proceedings pending and the rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 12 – GENERAL PROVISIONS

A. If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid, by any court of law, then the invalidity of such a section, paragraph, clause, or

provision shall not affect any of the remaining valid provisions of this ordinance or any previous ordinance.

B. The effective date of this Ordinance shall be thirty (30) days after publication of same and shall not expire until further township action amending the provisions as set forth herein, and/or repealing same.

C. To the extent that this ordinance conflicts with other township ordinances, this ordinance shall prevail. To the extent that this ordinance conflicts with any state or federal law, then this ordinance shall amend pursuant to the provisions of that particular state or federal law.

D. To the extent that this ordinance amends previous ordinances, then same shall be deemed amended, however in the event that prior ordinances are not so amended by this particular ordinance, then those ordinances shall remain in full force and effect.

E. The geographical coverage of this ordinance shall be all of the Township of Whitney.

F. A copy of this ordinance can be purchased and/or inspected at the Whitney Township Hall.

G. This ordinance has been passed at a township board meeting, having been considered by the township board in its previous meeting, at which time said proposed ordinance was introduced.

SECTION 13 – EFFECTIVE DATE

The following foregoing Ordinance was adopted by the Township Board of the Township of Whitney at a meeting of the Board duly called and held on the _____ day of _____ 2019.

Introduced:

Adopted:

Effective: Immediately

Date: _____, 2019

By: Donald Becker
Its: Supervisor

Date: _____, 2019

By: Kimberly Anderson
Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 2019 - _____, which was enacted by the Township of Whitney Board at a regular meeting on the _____ day of _____, 2019.

By: Kimberly Anderson
Its: Clerk