

Hamilton Township Short Term Ordinance

Hamilton Township, Harrison, Michigan, County of Clare

Sec. 01-01.

Purpose: Short-Term Rental of Single-Family Dwellings within Hamilton Township is a matter closely connected with the public health, safety, and welfare of the community. 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.

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 Hamilton Township Zoning Ordinance.

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 at least two but not more than 27 nights (rentals for less than two nights are not allowed as Short-Term Rentals). However, 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 Hamilton Township Zoning Ordinance.

Sec. 01-03. Applicability.

This Ordinance shall apply only to Short-Term Rentals in Hamilton Township, Clare County, Harrison, Michigan.

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 and possess keys to access all buildings located on the property;

(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 Township Board 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.

(a) No sign shall be posted to advertise the availability of the short term residential rental unit to the public.

Any Owner who rents or advertises a SingleFamily Dwelling as a Short-Term Rental after the adoption of this ordinance without having registered it pursuant to this Ordinance shall be subjected to an increased fee.

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. The maximum occupancy of any SingleFamily 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 two occupants per bedroom plus two 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.

(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);

(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;

(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 Hamilton 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 Township, in writing, consent for the Township 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 Clare 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 Clare County 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) Street Number. The Single-Family Dwelling used as a Short-Term Rental must have a street number marker installed. Consulting with the Emergency Management Services for appropriate location.

(h) Insurance. Single-Family Dwellings used as Short-Term Rentals must have insurance written or allows rental exposure and have a liability policy of a minimum of \$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) The appearance of the dwelling shall not conflict with the residential character of the neighborhood. Structures shall be properly maintained and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood.

(j) All land-based recreational activities must be limited to rented premises and shall not encroach on neighboring properties.

(k) Campfires in designated fire pit areas away from the water's edge, trees, and property lines with approval of Emergency Management services. Fires must be attended at all times and properly extinguished after use.

(l) Additional temporary sleeping quarters are not allowed on the premises, such as campers, sleeper vans, tents, but not limited to.

(m) 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) This Ordinance and the Hamilton Township Zoning 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 (4) The Hamilton Township Noise Ordinance.

(n) Adequate trash receptacles. All Single-Family Dwellings used as Short-Term Rentals must have adequate trash receptacles. The Township requires a minimum of one large container (90 to 100 gallons) for every four occupants. Trash must be kept in a closed container and disposed of on a regular weekly schedule.

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 Hamilton Township Municipal Civil Infractions Ordinance. (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 Police power Ordinances, section of the Zoning Ordinance, or permit or approval process;

(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 Board 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; public hearing required before amendment or repeal. (a) Review after implementation. Not later than one year, the Planning Commission 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 Short Term 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 Planning Commission 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.