

Ordinance Number \_\_\_\_\_

**Ford River Township, Delta County, Michigan  
Short-Term Rental Ordinance**

THE TOWNSHIP OF FORD RIVER, DELTA COUNTY, ORDAINS:

**Section 1: Purpose**

An Ordinance to preserve the residential character and long-term housing supply in districts designated primarily for residential uses by the Ford River Township Zoning Ordinance; to regulate the activities undertaken in short-term rentals to align with the Township’s goals as established in the Ford River Township Master Plan; and to impose safeguards that protect the general health, safety, and welfare of Township residents and visitors including those within authorized Short-Term Rentals.

**Section 2: Applicability**

This Ordinance shall apply to all dwelling units within Ford River Township which are certified by the Township to operate as a Short-Term Rental. Single-family dwellings on individual tax parcels permitted by the Ford River Township Zoning Ordinance as “Resorts” prior to the effective date of this ordinance shall be considered Short-Term Rentals and shall meet the requirements of this ordinance for their use to be considered a “Class A Nonconforming Use” as described in the Ford River Township Zoning Ordinance.

**Section 3: Definitions**

Bedroom: A separate room that is used or intended to be used specifically for sleeping purposes, in compliance with Michigan Building Code.

Capacity: The number of Occupants permitted in a Short-Term Rental under this Ordinance and as listed on the Rental Certificate issued by Ford River Township. Capacity shall be determined by a calculation including two (2) persons per bedroom plus two (2) persons per occupied finished story containing habitable space within the dwelling unit. (Example: A two-bedroom, single-story Short-Term Rental would have a capacity of six (6) persons)

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

Local Contact Person: A property manager, owner or agent of the owner who is available to timely respond to rental and neighborhood questions or concerns, or any agent of the owner authorized to take timely remedial action and respond to any violation of this Ordinance and/or complaints. The Local Contact Person shall reside within a 25-mile radius of the Short-Term Rental.

Occupant: Any person who is an overnight guest (past 1:00 AM) in the Short-Term Rental, including the renter.

Recreational Structure: A cabin, cottage, hunting camp, mobile home or other similar structure used for not more than 90 consecutive days and on an intermittent basis for recreational or vacation purposes and which is not permitted to be a permanent place of domicile or residency of the owner or lessee.

Rental Certificate: A Short-Term Rental Certificate duly issued by Ford River Township demonstrating authorization for the operation of a Short-Term Rental.

Short-Term Rental: The rental of a single dwelling unit on an individual lot for fewer than 30 consecutive days via any platform, method, or agreement. A short-term rental use shall not occur in a recreational structure that does not meet the dwelling unit requirements of the Ford River Township Zoning Ordinance.

#### **Section 4: Short-Term Rental Requirements**

A Rental Certificate issued by Ford River Township is required prior to a Dwelling Unit's use as a Short-Term Rental.

- A. **Rental Certificate Issuance**: A Rental Certificate issued by Ford River Township shall be valid for a period of one (1) year unless revoked by the Township.
1. A Rental Certificate shall only be issued after the approval of a zoning permit or designation as a prior nonconforming use in accordance with the Ford River Township Zoning Ordinance.
  2. A Rental Certificate shall be issued after the receipt and review of a complete and approved application for such.
  3. The Rental Certificate shall indicate the maximum number of Occupants that can be accommodated at the rental in accordance with the standards listed in this ordinance for the determination of Capacity.
  4. A Rental Certificate and Rental Certificate holder shall be subject to all of the standards and penalties of this Ordinance.
  5. The Rental Certificate holder shall certify by signature that the information used to issue an approved Rental Certificate is complete and accurate, and that any change in the operation or condition, ownership, or false information used in the application for a Rental Certificate may be used as grounds for revocation of such.
  6. The Rental Certificate holder shall be the owner of the property to be used as a Short-Term Rental, or shall have demonstrable written permission from the property owner that the property can be used for such purposes.
- B. **Application**: An application provided to the Township for a Rental Certificate shall include the following:
1. Address of property
  2. Property owner name(s)
  3. Local Contact Person
  4. Contact information including: name, address, and 24-hour contact phone number for the owner(s) of the property and the Local Contact Person.

5. Sketch of the property indicating location of the dwelling, driveway or other point of access. Such sketch shall also include a sketch of the Short-Term Rental's floorplan including drawings of intended Bedrooms.
  6. Number of Bedrooms in the Short-Term Rental and the Capacity of the Short-Term Rental as defined by this Ordinance.
  7. Documentation from the Menominee-Delta County Health Department that the permitted septic system and well are approved for the proposed capacity and frequency of the use.
  8. Any additional information reasonably required by the Township to satisfy the preceding application requirements.
  9. Signature of property owner(s) and Local Contact Person.
- C. **Review and Application Form:** Applications under this Ordinance will be reviewed by anyone designated by the Township Board to review such applications. Such persons are authorized to develop application and renewal application forms that applicants must use to submit an application for a Rental Certificate.
- D. **Application Fee:** The application fee shall be set by the Township Board and be included in the Township Schedule of Fees. An initial application fee and/or renewal fee for a Rental Certificate may be changed from time to time by resolution of the Township Board.
- E. **Application Denials:** An application resulting in a denial shall be communicated to the applicant in writing along with the reason(s) for the denial. An application may be cured and resubmitted within 30 days without an additional application fee.
- F. **Renewal:** The Rental Certificate holder shall renew the certificate annually after expiration to continue use of a Short-Term Rental by submitting a new application form including the required renewal fee.
- G. **Transferability:** Rental Certificates are not transferable under any circumstances. Any change in ownership of the entity operating the property, or a change in the entity operating the property, renders a certificate void, and a new application for a Rental Certificate is required.
- H. **Modification:** Any changes in conditions related to a Short-Term Rental in the Township (e.g., change in floorplan, Capacity, Local Contact Person, etc.) shall be provided to the Township immediately.
- I. **List of Short-Term Rentals:** The Township Board shall maintain a list of all Short-Term Rentals certified for each year.

### **Section 5: Annual Inspection**

A property issued a Short-Term Rental Certificate shall be inspected at least once per year by a Township Official or employee designated for such. The inspection shall occur to ensure compliance with the requirements of this Ordinance.

- A. By submitting a Short-Term Rental application to the Township, a property owner is providing the Township with the legal right to access the Short-Term Rental property for the

annual inspection. The Township's right of access shall terminate when the Short-Term Rental Certificate terminates, either by date or revocation.

- B. A Short-Term Rental inspection shall occur within the one (1) year period of approval for a Rental Certificate. The Township shall contact the owner of the property at least two (2) weeks in advance of the inspection to determine a suitable time of occurrence. The Rental Certificate holder or designated Local Contact Person shall be present for the inspection. If contact cannot be initiated or a suitable inspection period determined, the renewal of a Short-Term Rental Certificate shall not occur until such an inspection has taken place.
- C. A Short-Term Rental inspection shall be limited to the Rental Certificate holder's ability to satisfy the requirements of Section 6 of this Ordinance. No private property which is not pertinent to the satisfaction of such requirements shall be included in the inspection.

### **Section 6: Short-Term Rental Regulations**

The operation of a Short-Term Rental shall meet the following requirements:

- A. **Notice to Occupants:** The regulations contained within this Section shall be provided to the Short-Term Rental Occupants as part of the rental agreement. A posting shall be made in a prominent place in the Short-Term Rental containing at a minimum the requirements of this Section, and highlighting:
  - 1. The Capacity of the Short-Term Rental listed on the Short-Term Rental Certificate issued by the Township.
  - 2. The name, phone number, and contact information for the Local Contact Person.
  - 3. The location of fire extinguishers.
  - 4. The contact information for emergency services including the non-emergency phone number for the Delta County Sheriff's Office and the Michigan State Police.
- B. **Capacity Limit and Occupancy:** The maximum number of overnight occupants listed as the Capacity of the Short-Term Rental Certificate shall not be exceeded. Accessory structures, recreational vehicles, travel trailers, or tents placed on a parcel hosting a Short-Term Rental shall not be included in any calculation of Capacity. Temporary gatherings in excess of the capacity limit are permitted as long as they are conducted in accordance with the remaining requirements of this Section.
- C. **Noise:** Noise generated on the property shall be limited according to the Ford River Township Noise Ordinance, as amended.
- D. **Fireworks:** The use of fireworks shall comply with any other applicable local, state, and federal laws.
- E. **Pets:** Pets shall be secured by a leash or in an enclosure at all times.
- F. **Campfires:** Campfires shall be conducted in an appropriate location, and are permitted provided they do not cause a nuisance.
- G. **Trash:** Refuse and recyclables shall be stored and fully contained in appropriate containers with tight fitting lids, or be bagged and secured in caged enclosures, and shall be disposed of within a timely manner.

- H. **Parking:** The short-term rental shall meeting the off-street parking requirements of the Ford River Township Zoning Ordinance. Adequate additional parking shall be provided for occupants and their guests either on the Short-Term Rental parcel or nearby public parking. Occupants and their guests shall not park on adjacent private property, park within the road right-of-way, or unreasonably impede the ingress and egress of adjacent private properties.
- I. **Driveways:** A driveway accessing a Short-Term Rental shall be maintained for year-round emergency vehicle access with a minimum width of twelve (12) feet, and a vertical minimum clearance of fourteen (14) feet. Access to a Short-Term Rental shall not be made by a shared driveway or private road which does not meet the requirements of the Ford River Township Zoning Ordinance.
- J. **Fire Protection Devices:** A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke / carbon monoxide / fire alarms as required by Michigan Building Code and/or State law, shall be present within the Short-Term Rental. These shall be tested and certified by the owner to be functional, and shall be properly installed and placed in the Short-Term Rental.
- K. **Compliance with Other Laws:** At all times, a Short-Term Rental and the Occupants of the Short-Term Rental must comply with all applicable local, state, and federal laws and regulations.

### **Section 7: Signs**

Any signage for Short-Term Rental properties shall be maintained in accordance with the Ford River Township Zoning Ordinance.

### **Section 8: Violation and Revocation of Rental Certificates**

- A. **Violations:** Any of the following shall be considered to be a violation of this Ordinance:
  - 1. Failure to update information with the Township when conditions materially change from those described in an application for a Rental Certificate.
  - 2. Advertising or allowing occupancy in excess of the determination of Capacity on the Rental Certificate issued by the Township.
  - 3. Failure of the Rental Certificate holder or his/her designated Local Contact Person to be available at any time during the tenure of an active Short-Term Rental.
  - 4. Providing false or misleading information on the application for a Rental Certificate.
  - 5. Failure to obtain a Rental Certificate when operating a Short-Term Rental.
  - 6. Failure to comply with any of the regulations under Section Six (6).
  - 7. Any violation of the terms of this Ordinance.
- B. **Nuisance Per Se:** Violations of this Ordinance are declared to be a nuisance per se, and subject to the remedies provided by the Ford River Township Municipal Civil Infraction Ordinance and/or those including, but not limited to, imprisonment, collections, placement of liens, or other remedies as permitted in Act Number 235 of the Public Acts of 1961, as amended.

- C. **Penalties by Municipal Civil Infraction:** Any person who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a civil penalty for each violation of this Ordinance, as well as the Township's fees and costs in enforcing the Ordinance. Each day that a violation continues to exist shall be considered a separate violation. An Occupant, visitor, owner, Local Contact Person, and any other relevant party may all be fined for the same violation, if deemed appropriate by the Township. The issuance and fines associated with a municipal civil infraction shall be in accordance with the Ford River Township Municipal Civil Infraction Ordinance, as amended.
- D. **Remedies Not Limited:** This Section shall not be construed as precluding the Township from enforcing this Ordinance in any other manner authorized by law, including without limitation, the commencement of a civil action for injunctive relief.
- E. **False Complaints:** It shall be unlawful for any person to intentionally and knowingly make a false report of a violation of this ordinance.
- F. **Revocation:** Upon a determination by any individual designated by the Township that a Short-Term Rental has had three (3) or more separate violations on the same property under the same ownership within a one-year period, he or she may issue a notice to the Owner that their Rental Certificate has been revoked.
1. A violation recorded by the Township may not have a corresponding penalty or enforcement action undertaken by the Township to be considered in the basis for a revocation.
  2. A notice of revocation shall be in writing and may be served in-person or be sent to the property owner by certified mail.
  3. Upon receipt of the notice of revocation, the property owner shall cease the use of the property as a short-term rental within seven (7) days.
  4. The notice of revocation shall also inform the property owner of his or her right to appeal such revocation, by requesting a hearing before the Township Board to show cause as to why the Rental Certificate should be reinstated. An application for an appeal shall be made in writing by the property owner within fourteen (14) days of the date of the notice.
  5. The Township Board shall schedule a hearing of an appeal upon the agenda for the next regular or special meeting held for such purpose. During the hearing, the property owner of a Short-Term Rental shall be permitted the opportunity to offer evidence and testimony supporting cause for reinstatement of a Rental Certificate.
  6. A property having its Rental Certificate revoked shall not be used for the operation of a Short-Term Rental, or provide an application for a new Rental Certificate, for a period of one (1) year.

### **Section 9: Enforcement Official**

The Township Ordinance Enforcement Officer, Township Supervisor, any law enforcement officer, or any person officially authorized by the Ford River Township Board are hereby designated as

authorized officials empowered to enforce this Ordinance including the issuance of municipal civil infraction citations for violations of this Ordinance.

**Section 10: Enforcement Procedures**

Upon a determination or notification to the Township of a violation of this Ordinance:

- A. The Township Enforcement Official shall record the violation, including the timing and nature of the occurrence, and the specific provisions of this Ordinance in violation, and place the record on file with the Rental Certificate.
- B. The Township may (but is not required to) send a written notice to the property owner and/or Local Contact Person of the violation. The notice may describe the nature of the violation and the specific provisions of this Ordinance being violated, and may give the Owner of the Short-Term Rental a time period to eliminate the violation without intervention by the Township.
- C. In its discretion, the Township may immediately proceed with penalties under Section 8 of this Ordinance and/or with legal action to abate violations of this Ordinance (e.g., issuance of a municipal civil infraction), if deemed necessary.

**Section 11: Severability**

If any section, provision, or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, unconstitutional, or unenforceable, such invalidity shall not affect the validity of the remaining portions or application of this Ordinance which can be given effect without the invalidity.

**Section 12: Effective Date**

- A. This Ordinance shall take effect thirty (30) days following the publication of the notice of adoption in the Escanaba Daily Press.

DATE ORDINANCE ADOPTED BY TOWNSHIP BOARD: \_\_\_\_\_

DATE ORDINANCE EFFECTIVE: \_\_\_\_\_

DATE OF PUBLICATION OF NOTICE OF ADOPTION: \_\_\_\_\_

DATE OF FILING WITH DELTA COUNTY CLERK: \_\_\_\_\_

Roll Call Vote:

Aye    Nay    Absent

Stephen Nelson

Debbi Brown

Amanda Wagner

Robert Valentine

Jayne Church

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Ford River Township Board, Ford River Township, Delta County, Michigan at a regular meeting held on \_\_\_\_\_ pursuant to the procedures required by law.

\_\_\_\_\_ Debbi R. Brown Ford River Township Clerk