

STATE OF MICHIGAN COUNTY OF MONTCALM
TOWNSHIP OF MAPLE VALLEY
SHORT TERM RENTAL ORDINANCE #33

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN MAPLE VALLEY TOWNSHIP BY LICENSING AND REGULATION OF SHORT-TERM RENTALS TO PROVIDE PROCEDURES FOR SUSPENSION AND REVOCATION OF SHORT-TERM RENTAL LICENSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF MAPLE VALLEY HEREBY ORDAINS:

SECTION 1. Purpose

This ordinance is intended to protect and promote the health, safety, and welfare of all the citizens of the township of Maple Valley Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the township. It is also the intent of this ordinance to allow for the purchase and continued ownership, rental and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment, while protecting the integrity of those residential neighborhoods which were developed with the intent of single-family occupancy.

SECTION 2. Applicability

This ordinance requires all persons who desire to operate a short-term rental located anywhere within the Township of Maple Valley to obtain a STR permit from the Zoning Administrator or Zoning Enforcer under the terms and conditions of this ordinance. The Short-term rental permit is to be renewed yearly.

SECTION 3. Definitions

“Bedroom” means a room which is intended, arranged, and designed to be occupied by one or more individuals primarily for sleeping purposes, as determined by the Zoning Administrator or Zoning Enforcer.

“Dwelling unit” means a group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes.

“Immediate neighbors” means the owners or occupants of property who are contiguous to the premises on which the short-term rental is located and the property that is separated from the premises on which the short-term rental is located by a public or private road. For the purposes

of this definition, a property is separated from the premises on which the short-term rental is located by a public or private road if any portion of the property is measured between the property's side lot as extended to the center of the road, is contiguous with the premises as measured between the premises side lot lines as extended to the center of the road.

"STR holder" means the person who applies for and receives a short-term rental from the Township of Maple Valley. A short-term rental holder must be the owner of the dwelling unit where the short-term rental is located.

"Local agent" means the individual designated by the STR holder to perform obligations under this ordinance and to serve as the contact person for issues relating to the short-term rental. The designated agent must reside or maintain a physical address within two hours of the short-term rental.

"Maximum occupancy" means the maximum number of allowable occupants and the guests of those occupants for a short-term rental as established in Section 6 A of the ordinance.

"Occupant" means any individual living in, sleeping in, or otherwise having possession of a short-term rental.

"Owner" means any person holding legal or equitable title to the property or to real improvements upon a property solely, jointly, by entireties, in common, or as a land contract vendee.

"Person" means any individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Premises" means the property on which the short-term rental is located.

"Special event" of outdoor or indoor parties which exceed the maximum number of occupants allowed, are not permitted.

"Visitor" is an individual visiting the short-term rental between the hours of 8:00am – 11:00pm who will not be staying overnight. A visitor shall not be considered an occupant.

"Township" means Maple Valley Township.

SECTION 4. Registration

No person or entity shall engage in the short-term rental of any property or advertise the short-term rental of any property without first registering the short-term rental with the township. (If the dwelling is used as a short-term rental before this ordinance goes into effect, the owner or agent will need to register the short-term rental within 30 days.)

SECTION 5. 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. The name, address, telephone numbers (home, work, and cell), and email address of the owner of the proposed short-term rental.
 - B. An affidavit signed by the owner of the proposed short-term rental, granting authority to the applicant to act on behalf of the owner to request a short-term rental permit under the ordinance if the applicant isn't the owner.
 - C. The name, address, telephone number (home, work, and cell), and email address of the owner or local agent as defined in the ordinance.
 - D. The address of the proposed short-term rental.
 - E. The parcel identification number of the proposed short-term rental.
 - F. Proof of ownership.
 - G. Any deed restrictions or use limitations in the subdivision or association restrictions or bylaws applicable to the short-term rental.
 - H. A drawing of the premises on which the short-term rental will be located that includes all the building on the premises and the location where all motor vehicles, boats, campers, and trailers will be parked.
 - I. The maximum number of occupants to which the owner intends to rent the property.
 - J. The length of the short-term rental shall not exceed 30 days per rental contract.
 - K. An application fee, as established by the township board by a resolution, may be updated from time to time.
 - L. The number of off-street parking spaces must be included in the rental agreement and any online or other advertising for the short-term rental.
 - M. The rental agreement for the short-term rental.
 - N. Such other information as the township board deems appropriate.

SECTION 6. Regulations:

All short-term rentals shall, at all times, comply with the following requirements and conditions. Failure to abide by any of these requirements or conditions may result in the revocation of the short-term rental permit and may be considered grounds to deny or deny renewal of the short-term rental permit.

- A. The maximum occupancy for any short-term rental is 2 occupants per bed plus 4 additional occupants, unless otherwise required for applicable egress requirements for occupancy in the Michigan Construction Code or other local, state, or federal requirements. The use of campers, tents, or recreational vehicles are allowed as long as they don't interfere in any road right of way, private or public.

- B. Motor vehicles, boats, campers, recreational vehicles, or trailers shall be parked on the short-term rental property and not parked on any public or private road or the adjacent right of way. Parking shall comply with the Township's Zoning Ordinance.
- C. All pets shall always be confined to the property or on a leash. Any pet that causes frequent or long continued noise shall constitute a violation of the Township Noise Ordinance and this ordinance.
- D. No commercial fireworks shall be used on the premises of a dwelling unit registered under this ordinance when being used as a short-term rental, unless otherwise permitted under state law.
- E. All dwelling and dwelling units available for short-term rental are subject to the requirement of township ordinances, including without limitation the township zoning ordinance. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall apply.
- F. All short-term rentals with private lake access must have a copy of all lake rules.
- G. Any rentals less than 2-nights or longer than 29 nights are not considered a short-term rental.
- H. Single-family dwellings used as short-term rental must be insured by a comprehensive rental dwelling insurance policy. 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. Single-family dwellings used as short-term rentals must have a minimum of one large container of at least 90 gallons for trash.
- J. The owner must consent to inspections of the short-term rental by the township upon request. The request for an inspection will be issued upon a formal complaint by any Maple Valley Township resident or persons renting the short-term rental unit. An inspection fee will be levied by the Maple Valley Township Board to cover the cost of the inspection with a minimum fee of _____ and a maximum fee of _____.

SECTION 7. Local Agent Regulations

- A. All dwelling units available for short-term rentals shall have a designated local agent, who may also be the owner.
- B. A local agent is responsible for responding to calls from occupants, visitors, immediate neighbors, concerned citizens, and township representatives 24 hours per day, every day, including holidays.
- C. A local agent must reside within two hours from the dwelling unit used as a short-term rental and shall be able to access the dwelling and capable of being physically present on the property within three hours.

SECTION 8. Required postings:

All dwellings available for short-term rental shall post the following information in a prominent location near the front door of the dwelling.

- A. The name of the local agent and a 24-hour telephone number at which the local agent can be reached.
- B. The street address of the dwelling to assist occupants and visitors in giving needed information to emergency service personnel in the event of an emergency.
- C. The maximum occupancy of the dwelling unit as permitted by this ordinance.
- D. Notifications and instructions as to parking locations.
- E. A copy of the ordinance as may be amended from time to time.
- F. Notification that the occupant or visitor may be cited or fined by the township, in addition to any other remedies available by law for violating any provision of this ordinance.

SECTION 9. Safety Requirements:

- A. No dwelling unit may be in a basement or attic, unless the owner can demonstrate compliance with all applicable building, fire, and residential codes.
- B. The street number of the short-term rental shall be affixed to the dwelling in a minimum of 4-inch numbers clearly visible from the street.
- C. A fire escape plan shall be developed and graphically displayed in a common area. Each bedroom shall have the egress window(s) labelled as a fire escape.
- D. The owner shall install and maintain an operational smoke detector in each bedroom and other areas required by code and shall further install and maintain at least one carbon monoxide device of the type described in MCL 125.1504 on each floor. These devices shall be tested at least once every 90 days to ensure that they are operational. The owner shall maintain a log of all testing and maintenance activity, which shall be produced to the township upon request.
- E. A first-aid kit shall be provided with each dwelling unit and shall be located in a prominent area. The owner shall be responsible for ensuring this kit is regularly restocked.
- F. A fire extinguisher shall be provided for each stove, oven, or other source of flame. No less than one fire extinguisher shall be provided for each dwelling unit. All fire extinguishers shall be housed in a clearly visible location and shall be regularly checked to ensure their operational condition.
- G. The owner of the short-term rental is responsible for providing proof to Maple Valley Township (from an independent inspector) of compliance with subsections A through F of section 9, and any other safety or code requirements deemed necessary by the inspector. The cost for this inspection is the responsibility of the short-term rental owner.

SECTION 10. Penalties

Any person who violates the provisions of this ordinance shall be deemed responsible for a municipal civil infraction and subject to civil penalty of \$500.00 for each violation of this ordinance, as well as the township's fee and costs in enforcing the ordinance as permitted by law. Each day that a violation continues to exist shall be considered a separate violation. The short-term rental owner, or legal agent may be fined for the violation if deemed appropriate by the township. In addition, violation of this ordinance may be grounds for revocation of the short-term rental permit. 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 or other relief.

SECTION 11. Revocation

Upon determination by the township's code enforcement officer that an owner, local agent, occupant, visitor, or dwelling unit is in violation of this ordinance he or she may issue a notice to the property owner of his right to appear at a hearing before the township board to show cause as to why the short-term rental permit should be reinstated. An application for such a hearing must be made in writing within 14 days of the notice being served. If a hearing is timely requested, the township shall schedule the hearing before the township board and notify the owner in writing of a time and place for that hearing. At the hearing, the owner shall be permitted the opportunity to demonstrate that the code enforcement officer's initial determination was erroneous, or that a violation was due to extenuating circumstances outside the owner's control that could not be reasonably anticipated and prevented. For the purposes of this section, extenuating circumstances do not include the acts of occupants or their visitors. Upon revocation a dwelling unit cannot be re-registered for a period of one year and cannot be used for a short-term rental until re-registered as a short-term rental.

SECTION 12. Severability

If a court of competent jurisdiction finds any provision, clause, or portion of this ordinance to be invalid, the balance or remainder of this ordinance shall remain valid and in full force and effect.

SECTION 13. Effective Date

This ordinance shall become effective on the same date that Ordinance #33 becomes effective or thirty days following its publication, whichever occurs later.

SECTION 14. Repeal

All ordinances or part of ordinance in conflict with this ordinance are hereby repealed.