

SHERMAN TOWNSHIP
NEWAYGO COUNTY

(ORDINANCE NO. 49)

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 SHERMAN ("Township") ORDAINS:

Section 1: Purpose

The Sherman Township Board finds and declares as follows:

- A. That Sherman Township wishes to preserve and retain the agricultural and residential character of this community.
- B. That the Short Term Rental Ordinance is intended to make the Short Term Rental activity as permitted by this Ordinance consistent with existing and traditional residential uses and neighborhoods
- C. That the Short Term Rental Ordinance is intended to protect and promote the health, safety and welfare of all citizens of Sherman Township as well as those visiting the area by establishing standards for short-term rentals within the Township.
- D. That short-term rentals provide a community benefit by expanding available lodging facilities and assisting property owners via the revenue attained, which may be used for maintenance, upgrades, or deferred costs.
- E. That allowing the rental of a dwelling unit for short periods of time will encourage owners to retain the property for their future use and enjoyment, while protecting the integrity of those residential neighborhoods which were intended for single-family occupancy.

Section 2: Applicability

No person shall rent or cause to be rented a dwelling unit or a portion thereof, within Sherman Township, for a period of less than thirty (30) days without first obtaining a Short-Term Rental Permit 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 separate bedrooms for sleeping.

Local Contact Person or Caretaker: A local property manager, owner, or agent of the owner who is available 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, or the renter of a Short Term Rental pursuant to a rental agreement. 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 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 at a time.

Section 4: Short Term Rental Standards

The Sherman Township Zoning Administrator shall issue a Short Term Rental Permit 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, camper or tent.
- B. Maximum occupancy will be based on two (2) adults (age 18 or over) per bedroom.
- 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 sixty (60) minutes travel time of the property.
 - 3) The Township will provide the phone number of the local contact to all neighbors 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 site for more than the number of permitted renters or occupants.
- E. Pets must be secured or on a leash at all times.
- F. All refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked-up by a waste hauler.
- G. All parking associated with a Short-Term Rental, including any motor vehicle or any trailered item (boat, jet-ski, snowmobile, etc.) shall be out of the roadway and entirely on-site, 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.
 - 2) All campfires shall be properly extinguished after use.
 - 3) Only clean, dry wood shall be burned.
- 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 building officials and code authority (BOCA) codes. (Examples: living area, egress windows, mechanical systems, fire prevention, etc.)
- L. The Owner shall require these standards be met by renters as part of all rental agreements.

Section 5: Short Term Rental Application and Permit

- A. Application: The application form for a Short Term Rental shall include the following:
 - 1) Address of the rental property
 - 2) Name, address and signature of the property owner(s).
 - 3) Number of bedrooms in the dwelling. If the Short Term Rental does not include the whole house, then specify the total number of bedrooms that are part of the rental.
 - 4) Contact information, including the name, address and 24-hour contact phone number of the local contact person/caretaker.
 - 5) An insurance certificate specific to the property or other confirmation of insurance.
 - 6) A Septic System Inspection Report or other confirmation of septic status (if not connected to a sewer system) and a well status as issued by the District Health Department. (Example: Pump Card)

B. Permit:

- 1) A separate annual permit is required for each Short Term Rental Property.
- 2) All Short-Term Rental Permits shall be issued by calendar year and will expire on December 31 of each calendar year.
- 3) The Zoning Administrator shall issue all Short Term Rental Permits.

Section 6: Fees

The property owner of a Short Term Rental shall pay an annual fee as determined by the Sherman Township Board and as stated in a Fee Resolution of current adoption.

Section 7: Violation of Permit, Suspension or Revocation

- A. Violation: If the Sherman Township Zoning Administrator has reason to believe the application or attachments as submitted contained false, incorrect or misleading information or that the Short Term Rental no longer complies with the standards as contained in this Ordinance, the Zoning Administrator will prepare a written notice specifying the false, incorrect or misleading information in the application material or specifying the Violations of Section 4 that are being alleged, including the factual basis for these findings.
- B. Notice: A written notice, stating the time, date and place of a hearing before the Sherman Township Board on the above-described violation, shall be served on the permit holder either personally or by mail, return receipt requested, no less than twenty-one (21) days before the hearing.
- C. Hearing: The Sherman Township Board shall hold a hearing at which time the permit holder shall be given an opportunity to present evidence or provide supporting documentation as to why the Short-Term Rental Permit issued under this Ordinance should not be suspended or revoked. Length and timing of any suspension or revocation of the permit shall be determined by the Sherman Township Board. The Sherman Township Board's decision shall be stated in the meeting minutes and include the evidence upon which it is based. A copy of the meeting minutes shall be provided to the permit holder.

Section 8: Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Sherman Township Board may initiate proceeding in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9: Severability

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

Section 10: Effective Date

This Ordinance shall become effective January 1, 2023 after its publication in a newspaper of general circulation in Sherman Township.

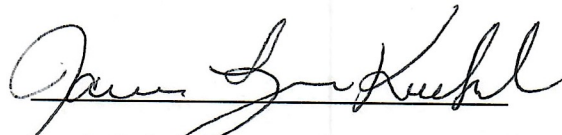
The forgoing ordinance was offered by Sherman Township Board Member Berens, and was supported by Sherman Township Board Member Kukal, the vote being as follows:

YEAS: Berens, Berens, Kukal and Smalligan

NAYS: Stroven

ABSENT: None

ORDINANCE DECLARED ADOPTED.




Jamie Kukal, Sherman Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Sherman Township Board at a regular meeting held on August 1, 2022, at the Sherman Township Hall pursuant to the required statutory procedures.

Respectfully submitted by:



Jamie Kukal, Sherman Township Clerk