

TOWNSHIP OF LINCOLN
COUNTY OF NEWAYGO, MICHIGAN

At a regular meeting of the Township Board of the Township of Lincoln, Newaygo County, Michigan, held at the Township Hall, 1988 North Wisner Avenue, White Cloud, Michigan, within the Township, on ___ day of _____, 2023, at _____ p.m. Local Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and ordinance were offered by Member _____ and seconded by Member _____:

ORDINANCE NO. 23-___-

LINCOLN TOWNSHIP SHORT-TERM RENTAL ORDINANCE; AN ORDINANCE TO REGULATE SHORT-TERM RENTAL DWELLINGS

[Regulations for permitting short-term rental housing and requirements for short-term rental dwelling owners]

THE TOWNSHIP OF LINCOLN (the "Township") ORDAINS:

Section 1. **Purpose.**

This Lincoln Township Short-Term Rental Ordinance and related amendment to the Zoning Ordinance are intended to provide for and protect the public health, safety, and welfare of persons within Lincoln Township by establishing regulations pertaining to the permitting of short-term rental dwellings within Lincoln Township and to provide penalties for the violation of this Ordinance. These standards are intended to ensure compatibility with other permitted uses and the residential character of the neighborhoods in which short-term rental housing is located. All short-term rental housing shall meet the standards contained herein and shall be operated such that the average neighbor, under normal circumstances, will not be aware that the dwelling is short-term rental housing. This ordinance seeks to balance the interests of community residents, community business owners, visitors, and real property owners wishing to engage in short-term rental housing.

Section 2. Definitions.

- A. As used in this Ordinance, the following terms shall have the meanings hereafter stated:
1. BEDROOM: A room which is intended, designed, and arranged to be occupied by one or more persons primarily for sleeping.
 2. DESIGNATED CONTACT: An individual who is not the Owner of a property, who has agreed with the Owner to be available for contact in the absence of the Owner or assume other duties in relation to the Owner's property.
 3. DWELLING, SHORT-TERM RENTAL: 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 one or more separate bedrooms which provide temporary accommodations for a period of at least one day, but not greater than twenty-seven (27) days, and for a fee.
 4. OCCUPANT: An individual living in, sleeping in, or otherwise having possession of a space.
 5. OCCUPANT, DWELLING SALE: Occupancy of up to ninety (90) days by a previous Owner of a Dwelling after the sale of the Dwelling, subject to a Rental agreement following closing of the sale of the Dwelling.
 6. OCCUPANT, ESTATE REPRESENTATIVE: Occupancy by a personal representative, trustee, or guardian of an estate, with or without remuneration.
 7. OCCUPANT, FAMILY: Any member of a family, as well as that family member's guest, where the family owns the Dwelling. Includes occupation of separate Dwellings located on the same Premises as the Owner's Dwelling when occupied by family members and their guests, exchange students, visitors, medical caregivers, and child caregivers.
 8. OCCUPANT, HOUSE SITTING: Occupancy of a Dwelling by a non-Owner during the temporary absence of the Owner and the Owner's family without remuneration to the Owner.
 9. OWNER: A person holding legal or equitable title to a Premises.
 10. PREMISES: A property, including any land and improvements on it.
 11. RENT (RENTAL): To permit, provide for, or offer possession or occupancy of a Dwelling in which the Owner does not reside for a period of time to an Occupant who is not the legal Owner pursuant to a written or unwritten agreement.

12. ZONING ADMINISTRATOR: The person designated by the Township Board to administer the provisions of the Lincoln Township Zoning Ordinance.

Section 3. **Applicability.**

- A. This Ordinance applies to Short-Term Rental Dwellings.
- B. This ordinance does not apply to any bed and breakfasts, motels, campgrounds, hotels, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, substance-abuse rehabilitation clinics, mental health facilities, other health care related facilities, or migrant housing.
- C. This Ordinance does not apply to any Dwelling occupied by a Family Occupant, House Sitting Occupant, Dwelling Sale Occupant, or Estate Representative Occupant.

Section 4. Application for Permit.

- A. In addition to an application for a special land use under Chapter 15 of the Lincoln Township Zoning Ordinance, Short-Term Rental Dwellings must file an application for a short-term rental dwelling permit with the Township Clerk's office prior to commencement of rental activity or, for existing Short-Term Rental Dwellings, within thirty (30) days after the effective date of this Ordinance.
- B. The application shall include:
 1. The current Owner and management company contact information, if applicable, including name, mailing address, physical address, email address, telephone number(s), and alternate telephone numbers.
 2. A Designated Contact who is able to respond to calls from police, fire, emergency and other governmental personnel when attempts to contact the owner have failed or the Owner is unavailable to respond in a timely manner. The Designated Contact must reside in the Township or within twenty-five (25) miles of the Township's boundary.
 3. Proof of insurance of the Dwelling as required under Section 15.04(2) of the Lincoln Township Zoning Ordinance.
 4. A description of the Premises proposed to be used as a short-term rental dwelling, including but not limited to the following:
 - a. Address
 - b. Number of bedrooms
 - c. Number of bathrooms

- d. Square footage
 - e. Number of off-street parking spaces
 - f. Tax parcel ID number and legal description
- C. The Owner must consent to inspections of the Short-Term Rental Dwelling by the Township Zoning Administrator upon application and every two (2) years thereafter, so long as the Dwelling remains in service as a Short-Term Rental Dwelling.
 - D. A new Owner of a Short-Term Rental Dwelling must file an application for the property within thirty (30) days following the execution of any deed, land contract, or other instrument conveying an ownership interest in the property.
 - E. Incomplete or inaccurate information provided to the Township Clerk will result in denial of the registration.

Section 5. Occupant Records.

- A. The Owner or Designated Contact must maintain a current list of Occupants in the Short-Term Rental Dwelling. In emergency situations, the Owner or Designated Contact must provide the list of Occupants to police, fire, emergency or other governmental personnel.

Section 6. Registration Renewal

- A. The registration period for ongoing Short-Term Rental Dwelling will occur annually between January 1 and January 31.
- B. A renewal form will be sent to the last known address of the property owner prior to the start of the registration period by the Township Clerk.
- C. The renewal form will require the same information as required for the initial application under Section 3(b).
- D. The Owner or Designated Contact of the Short-Term Rental Dwelling must submit a renewal form if they will continue to operate the Dwelling in such a manner.
- E. If the Short-Term Rental Dwelling has been removed, rental activity has ceased, the property has been sold, or the property has been otherwise transferred to a new Owner, the Owner or Designated Contact must provide the Township with this information during the registration period.
- F. An Owner or Designated Contact will not be permitted to renew registration for a Short-Term Rental Dwelling for one (1) year if the Owner, Designated Contact, Occupant(s), or guests of these individuals are found responsible for three (3) violations of Lincoln Township Zoning Ordinance, Lincoln Township Stand

Alone Ordinances, state law, or any combination thereof, occurring on the Short-Term Rental Premises as a result of three (3) separate incidents within the previous registration year.

Section 7. Penalty and Enforcement

- A. Any person who rents or offers to rent a property or dwelling without first applying and registering the property as required under this Ordinance or fails to satisfy the requirements of this Ordinance or Section 15.04 of the Lincoln Township Zoning Ordinance will subject to the following penalties:
 - 1. An Owner or Designated Contact who violates these provisions shall be responsible for a municipal civil infraction and shall pay a fine of not more than two hundred fifty dollars (\$250) for each violation, plus costs. Each day during which a violation occurs is considered a separate violation.
 - 2. An Owner or Designated Contact who operates a Short-Term Rental Dwelling on which three violations of these provisions has occurred shall be responsible for a municipal civil infraction, fined not more than two hundred fifty dollars (\$250), subject to potential revocation of the permit, and prohibited from renewing registration on the property for a period of not less than one (1) year unless the Township Board determines otherwise.
- B. This Ordinance shall be administered, enforced, and citations for violations issued by the Zoning Administrator, or by such other person(s) as designated by the Township Board.

Section 8. Permit Revocation

- A. Upon a determination by the Zoning Administrator that the Short-Term Rental permit is subject to revocation under this ordinance, the Zoning Administrator shall issue a notice to the Owner and/or Designated Contact that the Township intends to revoke the permit. The notice shall inform the Owner or Designated Contact of his or her right to a hearing to show cause as to why the permit should not be revoked if requested within fourteen (14) days of service of the notice.

If a hearing is timely requested, the Township shall schedule a hearing before the Township Board. The Township will notify the Owner and/or Designated Contact in writing of the time and place of the hearing. At the hearing, the Owner or Designated Contact may present evidence that the requirements for revocation provided to him or her are not sufficient. The Owner and/or Designated Contact may also present evidence of extenuating circumstances which demonstrate that he or she should not be held responsible for one or more violations. Extenuating circumstances may include:

1. The violation was committed by a non-Occupant and the Occupant(s) attempted to prevent or halt the violation;
 2. The violation resulted from an act of God; or
 3. Other circumstances that the Owner or Designated Contact could not reasonably foresee, prevent, or reasonably control.
- B. The decision of the Township Board shall be made in writing and provided to the Owner or Designated Contact.
- C. A decision to revoke the permit by the Zoning Administrator or Township Board after a hearing prohibits the Owner or Designated Contact from filing a new application for the property for one (1) year unless determined otherwise by the Zoning Administrator or Planning Commission.

Section 9. Section 3. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance or subsequent amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance, which shall remain in full force and effect.

Section 10. Section 4. Conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 11. Section 5. Effective Date. This Ordinance shall become effective upon the expiration of thirty (30) days after its publication or thirty (30) days after a summary of its provisions is published in the newspaper, pursuant to the provision of Act No. 191 of the Public Acts of 1939, as amended.

This ordinance shall become effective 7 days after its publication or 7 days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Virginia Howes, Clerk
Township of Lincoln