

Police Power Ordinance

CHARTER TOWNSHIP OF ELMWOOD

SHORT TERM RENTAL LICENSING ORDINANCE

AN ORDINANCE TO REGULATE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN THE CHARTER TOWNSHIP OF ELMWOOD AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE CHARTER TOWNSHIP OF ELMWOOD ORDAINS:

Section 1: Purpose

The Charter Township of Elmwood Board of Trustees finds and declares as follows:

- A. The Township wishes to preserve and maintain the residential community character of the Township.
- B. This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of the Charter Township of Elmwood by requiring the registration and permitting of short term rentals.
- C. The Township understands the need for more long term housing and is interested in protecting the housing stock by limiting the number of licenses available.
- D. Short term rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of short term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- E. The transitory nature of occupants of short term rentals makes continued enforcement difficult without registration and contact information.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residential neighborhoods posed by short term rentals.

Section 2: Definitions

Bedroom: A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes, has a minimum horizontal distance in any direction of 7 feet, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms, or living rooms.

Caretaker: A caretaker is an individual, other than the owner, who is responsible for the oversight and care of the short term rental and is authorized to act on behalf of the owner. The owner may be the caretaker.

Occupant: As used in this Ordinance, is an occupant or renter of a short term rental pursuant to a rental agreement. The term "occupant" as used herein does not include guests of the occupant or renter who are visiting outside quiet hours.

Owner: An individual, tenants in common, tenants by entireties, joint tenants, a corporate entity, including all subsidiaries, dba's and/or affiliates of the corporate entity and/or non-corporate owners who lawfully own 100% of the real property.

Parking Space: For purposes of this ordinance, a parking space shall be a minimum of 9 feet by 20 feet, located off-street, outside of a road right away, and in one of the following locations:

- A. In a garage or carport
- B. Within a paved or gravel driveway
- C. Within a paved or gravel parking pad

Short Term Rental: The commercial use of renting a dwelling, or portions thereof, used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time when the owner of the dwelling does not reside in the dwelling during the rental period.

Special Events: In association with a short term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short term rental license.

Transfer of Property: A transfer via a bonafide lawful sale; transfer to an individual, corporation of any type; transfer from or to a trust, or transfer as a distribution from a trust to or from a corporate entity of any type; transfer through a probate estate, Lady Bird Deed, or similar lawful transfer. Transfer does not include a transfer into a trust by owners who are also the grantors/settlors of the trust or out of a trust from the grantors/settlors to the original owners.

Section 3: Applicability

The ordinance applies to all residential dwellings in the Charter Township of Elmwood and owners of those dwelling wherein the dwelling is rented for a period of less than 30 days and where the owner does not reside during the rental period.

Section 4: Licensing Limitations

The Township hereby authorizes **40** short term rental licenses to be issued at any one time within the Township. An owner shall be allowed to hold one (1) license at a time in the Charter Township of Elmwood.

Section 5: Short Term Rental Standards

All short term rentals shall meet the following standards:

- A. **Parking-** Parking for all vehicles, including trailers, shall only be in parking spaces identified on the site plan as defined by this ordinance. No on-street parking shall be permitted in association with a short term rental.
- B. **Trash-** Refuse and recyclables shall be stored in appropriate containers with tight fitting lids and shall be regularly picked up by a licensed waste hauler.
- C. **Special Events-** Special events as defined by this ordinance, shall not be allowed.

- D. **Quiet Hours-** Short term rentals shall observe quiet hours between 10:00 pm and 8:00 am Sunday through Thursday and between 11:00 pm and 8:00 am Friday and Saturday.
- E. **Capacity Limit-** The maximum occupancy for the short term rental shall be no more than two (2) occupants per bedroom excluding children under the age of 5. At no time, shall additional individuals be allowed to sleep outside of the dwelling.
- F. **Guests-** Guests up to the number equal to the maximum occupancy may be allowed during non-quiet hours listed above.
- G. **Contact-** The owner, or designated caretaker, shall be available by telephone at all times and must be physically located within 30-miles of the property in the event of an emergency or issue that requires immediate attention. This information shall be updated immediately if it changes.
- H. **Signs-** A sign indicating the address of the property that is visible from the road shall be required to obtain a license. No additional signage of any kind is permitted.
- I. **Fire Safety-** Short term rentals shall be required to maintain operating smoke detectors, carbon monoxide detectors, and fire extinguishers. Evacuation routes shall be post in a conspicuous location in each bedroom as well as the main gathering space in the house.
- J. **Other Ordinance-** Short term rentals shall comply with all requirements of the Elmwood Township Zoning Ordinance as well as all other Ordinances adopted by the Charter Township of Elmwood.

Section 6: Short Term Rental License

- A. A short term rental license shall be valid until December 31 of the calendar year.
- B. Licenses are not transferrable.
- C. The owner must obtain a license prior to advertising the property as a short term rental. Current license holders may advertise for the future licensing cycle but this shall not obligate the Township to issue a license.
- D. The license number shall be clearly displayed in any advertisement and documents of the short term rental.
- E. New licenses applied for outside of the license renewal period may be issued throughout the calendar year if licenses are available.

Section 7: Application Procedure

All applications for a short term rental license shall include all of the following information and any other information reasonable necessary for the Zoning Administrator to determine whether the applicable standards for approval have been met:

- A. The name, address, and phone number of the owner
- B. The names and addresses of all officers, directors, owners, and managers of the owner and all persons who hold any direct or indirect ownership interests in the owner's real property for which the license is being sought
- C. The name, address, and phone number of the caretaker, if different from the owner
- D. Signature of owner and caretaker
- E. The address of the property for which the short term license is being applied for
- F. Proof of ownership via deed or other recorded device which shows ownership of the property
- G. A site plan and floor plan, drawn to scale with dimensions, showing the locations, size, number of bathrooms, number of bedrooms, parking areas, and household waste storage areas on the property and buildings of the short term rental
- H. Fee as determined by the Elmwood Township Board

Section 8: Issuance of License

Owners that have a valid license and are in good standing with the Township shall have first priority in receiving a license for the following calendar year. The remaining balance of the licenses may be issued to owners who have submitted a complete application. If the number of applications, including renewal applications exceeds the number of licenses authorized in Section 4 of this Ordinance on October 31, then the Township will conduct a lottery to determine which of the new applicants shall receive a license.

All short term rental licenses shall expire on December 31. The owner of the short term rental shall apply for the next calendar year at any point between October 1 and October 31. All licenses will be issued by December 31 when applied for by October 31. Any owner that does not submit a renewal application by October 31 shall have their application processed as a new application as licenses are available.

Section 9: Violations and Administrative Penalties

- A. Any of the following conduct is a violation of this Ordinance:
 - 1. Any advertising or leasing of a short term rental without first obtaining a short term rental license.
 - 2. The owner has failed to comply with any provisions, standards, or conditions contained in this ordinance or any other ordinance of the Township.
 - 3. Any false or misleading information provided in the application process.

- B. The penalties for violations specified in subsection (A) above are as follows:
1. This ordinance shall be enforced by individuals designated by the Township Board. In addition to written violation notices, the Township will attempt to notify the contact via phone of the violation as soon as possible.
 2. For a first violation within a calendar year, the penalty is a warning notice of violation which shall be in writing.
 3. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. Each day the violation remains may be a separate offense.
 4. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the license shall be revoked. An owner may reapply for a license no sooner than twelve (12) months after revocation of a license.
 5. If there are one or more violations each year during any three (3) consecutive year period, the license may be revoked.
 6. An owner may appeal a decision to revoke a license to the Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- D. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short term rental shall be deemed to be violation of this ordinance and may be subject to court enforcement proceedings and the penalties under this Ordinance.

Section 10: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 11: Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.