

SHORT-TERM RENTAL ORDINANCE
CLARK TOWNSHIP, MICHIGAN
Ord. No. _____, Eff. 7-19-2021

An ordinance to provide for regulation and a permitting process relating to the Short-Term Rentals in Clark Township.

CLARK TOWNSHIP ORDAINS:

Section 1. Purpose

This ordinance is intended to protect and promote the health, safety, and welfare of all the citizens of Clark Township, as well as those visiting the area, by requiring the licensing of Short-Term Rentals within the Township. The Township wishes to preserve and retain the residential community character of the Township. It is the intent of Clark Township to make Short-Term Rental activity permitted through this ordinance resemble the existing traditional residential uses made by resident owners and lessees. Short-Term Rentals provide a community benefit by expanding the number and type of lodging facilities available, however the transient nature of occupants of Short-Term Rentals makes continued enforcement regarding the occupants difficult. The provisions of this ordinance are necessary to prevent the continued burden placed upon Township services and impacts on residential neighborhoods posed by Short-Term Rental properties.

Section 2. Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Clark Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, associations rules, regulations or bylaws, or rental agreements.

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

- A. **Camp or Camping.** The use of a camping unit or similar shelter for overnight accommodations or for other temporary living.
- B. **Camping Unit.** Portable outdoor overnight sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including but not limited to a tent, tent trailer, motorhome, travel trailer, pop-up or truck mounted trailer, recreational vehicle, camper van, or other shelter used for temporary living.
- C. **Commercial Use.** The rental of a dwelling unit for more than 14 days in any one calendar year, mirroring both the Michigan Treasury Dept, and Federal IRS rules.

- D. **Dwelling Unit.** A building or portion thereof arranged, built, or designed as a habitable unit having cooking and sanitary facilities.
- E. **Local contact person.** A local property manager, owner, or agent of the owner, who is over the age of 18 and available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.
- F. **Managing agency or agent.** A person, firm, or agency representing the owner of the property (or portion thereof) used for a Short-Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short-Term Rental.
- G. **Operator.** The person who is proprietor of a property (or portion thereof) used for a Short-Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.
- H. **Owner.** The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short-Term Rental.
- I. **Parking space.** An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.
- J. **Person.** An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.
- K. **Roadway.** All public and private roads, streets, road ends, access easements, and alleys.
- L. **Short-Term Rental.** The use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short-Term Rental does not include a bed and breakfast, hotel, motel, or resort permitted and operated in accordance with the Clark Township Zoning Ordinance.

Section 4: Short-Term Rental Standards

All Short-Term Rentals must meet the following standards:

- A. Not more than one (1) dwelling unit per property shall be eligible for a Short-Term Rental permit.
- B. All lodging on a property with a Short-Term Rental permit is to be within the dwelling unit and not in an accessory building, accessory dwelling unit, recreational vehicle, camper or tent.
- C. All parking associated with a Short-Term Rental property shall be out of the roadway and entirely on-site, in a garage, driveway or other designated area.
- D. The owner or operator of a Short-Term Rental property shall maintain running water and a functioning septic system or sewer connection in the dwelling.
- E. The number of guests shall not exceed two (2) times the number of bedrooms in the dwelling unit, unless the applicant can show that the dwelling unit is suited to accommodate more guests. If the Township Board finds that the applicant has proved that the dwelling unit is suited, it may at its sole discretion, allow additional guests.

- F. A local contact person shall be available to respond to emergencies, issues, questions or concerns, of the guest, the Township, or another person or entity that may need to address a person with authority to take remedial action and respond to any violation of this ordinance, or other matters.
- G. Any pets that may be staying at a Short-Term Rental property must be in compliance with Mackinac County Animal Control Ordinance. Clark Township is not responsible for enforcing the ordinances of Mackinac County, however any verified citations by Mackinac County may be taken into consideration in the application approval process and the renewal process.

Section 5: Application for Short-Term Rental Permit

- A. Application information required:
 - i. The name, address, telephone number, and email address of the owner of the proposed short-term rental, and of the applicant, if different than the owner.
 - ii. Documentation signed by the owner granting authority to the applicant to act on behalf of the owner to make application for the short-term rental permit on the owner's behalf.
 - iii. The name, address, telephone number, and email address of a local contact person, if different than the owner.
 - iv. The address and parcel tax ID number of the proposed short-term rental property.
 - v. Proof of ownership or authority to use (deed, land contract, lease agreement) along with a list of any rules or restrictions applicable to the proposed short-term rental property.
 - vi. Site plan of proposed short-term rental property (may be hand-drawn and must include the measured dimensions) indicating property lines, floor plan drawing of the dwelling unit including the number of bedrooms intended to be occupied, building's driveway, parking area, drain field location and docks (if applicable).
 - vii. The proposed maximum occupancy of the short-term rental.
- B. Application fee. The application shall be accompanied by an application fee as established and set forth by the Township each year at its first meeting of the calendar year.
- C. Notification. Upon receiving application for a Short-Term Rental permit, the Township shall provide notice, by mail or personal delivery, of such application to all persons to whom real property is assessed within 300 feet of the boundary of the property to which the permit application is being made, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned and leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

Section 6: Permits.

- A. Number of Permits Issued. The total number of permits issued for Short-Term Rentals in Clark Township shall be limited to fifty (50). No permit shall be issued to a property that will not be made available for rent. A permit shall be revoked by the Township Supervisor if the Supervisor determines that the permit was not obtained in good faith and the dwelling was not made available for rent.
- B. Standards for Approval. The Township Supervisor, or his/her designee, shall approve, or approve with conditions, an application for a Short-Term Rental permit only upon finding that the application fee has been paid, all required information has been provided by the applicant, and the information shows that the proposed property complies with all of the standards provided in Section 4.
- C. Permit duration and renewal.
 - i. A short-term rental permit shall be issued for a period of one calendar year at which time that permit shall expire.
 - ii. An existing short-term rental permit may be renewed, subject to the exception provided in subsection 6.C.iii. herein, each year if reapplication (with updated information) is made and the fee is paid within thirty (30) days of the expiration of the applicant's current permit.
 - iii. An existing Short-Term Rental permit may not be renewed if the permit holder, or the property owner, has been issued a citation for violation of any Clark Township Ordinance, including its Zoning Ordinance, relating to use of the property. In the event a property is not permitted to renew a Short-Term Rental permit, a new application for Short-Term Rental use of the property may be made as if the applicant is making application for the first time.
- D. Transferability. A Short-Term Rental permit may not be transferred from one dwelling unit to another dwelling unit, nor may it be transferred to a new owner of the property.

Section 7: Enforcement, Revocation and Appeals.

- A. Violations. Any person who violates any provision of this Ordinance shall be responsible for a Municipal Civil Infraction. Each day that a violation occurs constitutes a separate offense.
- B. Enforcement. The Code Enforcement Officer or the Township Supervisor are hereby designated as the authorized officials to issue and serve municipal civil infractions for violations of this Ordinance.
- C. Revocation of Permit. The Township may revoke the Short-Term Rental permit for any dwelling unit which is the site or subject of at least three (3) separate violations of this Ordinance within the Permit Year. Upon determination by the Township Supervisor that the permit of a dwelling unit is subject to revocation, pursuant this Section, the Supervisor shall issue written notice by certified mail to the Owner and Managing Agent or Operator, at the address listed on the application, informing them that the Township intends to revoke the permit. The Owner, Managing Agent, or Operator may, within thirty (30) days from the date of the notice, request a hearing before the Clark Township

Board of Trustees to show cause as to why the permit should not be revoked. If a hearing is requested, the Township Supervisor or his/her designee shall notify the Owner and Managing Agent or Operator of the time and place of the hearing. At the hearing, the Owner, Managing Agent, or Operator may present evidence that the violations of this Ordinance were due to or caused by extraordinary circumstances. The Township Board of Trustees may, in its discretion, reverse the determination of the Township Supervisor to revoke the permit by a majority vote.

Section 8: Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 9: Severability.

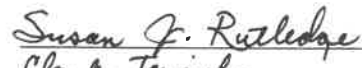
If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 10: Effective Date.

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



Clark township, Supervisor



Clark township, Clerk

Adopted: 6-10-2021

Effective: 7-19-2021

