

TOWNSHIP OF SELMA
COUNTY OF WEXFORD, MICHIGAN

At a regular meeting of the Township Board of the Township of Selma, held at the Township Hall, on the ____ day of _____, 2024, at 7:00 p.m.

PRESENT:

ABSENT:

The following ordinance was offered by _____ and supported by _____

ORDINANCE NO. 2024-_____

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE LICENSING OF SHORT-TERM RENTALS IN SELMA TOWNSHIP AND MATTERS RELATED THERETO

THE TOWNSHIP OF SELMA ORDAINS:

Section 1. Title.

This Ordinance shall be known and hereafter referred to as the “Short-Term Rentals Licensing Ordinance”.

Section 2. Purpose and Scope.

The purpose of this ordinance is to provide for licensing and regulation of short-term rentals within the Township. The ordinance is intended to allow property owners to make a small-scale commercial use of residential property for rental to persons or groups, who will occupy the premises on a basis which is as similar as possible to the way in which owner-occupied residences are typically occupied and used.

It is recognized that certain large-scale events, such as graduation open houses, weddings, or parties, are occasionally held by property owners at their homes. The Township finds that for a typical owner-occupied property, such events are once in a lifetime or rare events. Short-term renters will **NOT BE PERMITTED TO HOLD EVENTS AS MENTIONED ABOVE.** Without restriction of such events on short-term rental units, they are likely to be used as event venues much more often than would be typical for owner-occupied properties, justifying additional restrictions on such events for short-term rental units.

Section 3. Definitions.

- A. “Dwelling unit” means 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 bedrooms. In this definition, “bedroom” means a separate room or space within a Dwelling Unit used or intended to be used for sleeping. A screened porch, tent, RV, or other similar space does not constitute a bedroom.
- B. “Habitable space” means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. In this definition, “bathroom” means a room containing a sink, and either a water closet or urinal, and either a bathtub or shower; and “toilet room” means a room containing a sink, and either a water closet or urinal, but not a bathtub or shower.
- C. “Occupant” of a space means a person living in, sleeping in, or otherwise having possession of that space.
- D. “Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- E. “Rent” means to give, or offer to give, possession or occupancy of space under a lease, license, or other agreement, whether written or unwritten.
- F. “Short-term rental unit” or “unit” means all or part of a detached single-family dwelling unit that is either rented to a person for less than 28 consecutive days or is advertised for that kind of occupancy. The term does not include a hotel or motel.

Section 4. Permit Required.

- A. No person shall own, operate, or advertise a short-term rental unit in Selma Township without first obtaining a permit from the township under this ordinance.
- B. Only (1) dwelling per parcel shall be eligible for a short-term rental permit. **(Exception)** for the parcels that have more than one dwelling unit on a parcel and have been used for short term rental purposes historically, prior to the adoption of this ordinance. However, you must purchase a permit for each unit separately.
- C. The issuance of a permit by the township in no way implies compliance with private Covenants, condominium bylaws, homeowners’ association rules, easement restrictions or similar private restrictions. Enforcement and compliance with such private restrictions is the responsibility of the township and will not be considered in licensing decisions.

Section 5. Application and Fee Requirements.

A person may apply to the person designated by the Board for a permit for a short-term rental unit by submitting the following information to verify compliance with this Ordinance and all other applicable ordinances. The person must consent to inspection by the Township Enforcement Official, and Fire Department prior to the issuance of a permit, and upon reasonable notice thereafter. Applicants shall pay an initial permit fee of \$200 and annual renewal fee of **\$100:**

- A. The name and contact information for the unit's owner and operator.
- B. Proof of ownership of the unit.
- C. An application fee as determined by resolution of the Township Board from time to time.
- D. Certification that the short-term rental unit will comply with the conditions of operation in this ordinance.
- E. Certification from the Fire Department and Building Official that the unit has been inspected and complies with all applicable building codes and fire codes.
- F. The location of all fire pits, play equipment, game areas, and similar outdoor areas.
- G. A list of all advertising of the establishment.
- H. All other information that is designated by the board will determine what is necessary to fulfill this ordinance's requirements for approval have been met.

Section 6. Standards of Approval.

The person designated to approve the application for a permit, only if the application contains the information required in Section 5 and the establishment meets or will meet the conditions in Section 8.

Section 7. Duration of Permit.

- A. A permit issued under this ordinance shall have a term of one year and may be renewed provided one of the events listed in B below has not occurred. The renewal application shall contain the information required above and, in addition, a certification that there has

not been a transfer of ownership or a discontinuation of use of the property for short-term rental.

- B. A permit issued under this ordinance automatically expires upon one or more of these events:
1. The short-term rental unit is physically altered so the habitable space within the unit is increased, decreased, or redistributed among living, sleeping, eating, or cooking areas without the Township's prior approval of an amendment to the permit.
 2. The short-term rental unit no longer meets the requirements of this ordinance, whether the failure is because the ordinance standards have been amended or otherwise.
 3. Ownership of the short-term rental unit is sold or otherwise transferred.

Section 8. Conditions of Approval and Operation.

- A. The unit shall have and maintain the characteristics of a single-family dwelling, including but not limited to a single common kitchen facility, living areas, entrance, and internal circulation. The facility shall not be constructed or adaptable for rental to two or more separate groups at the same time.
- B. The unit shall contain no more than four bedrooms if located on a property two acres in area or less, or six bedrooms if located on a larger property. Each bedroom shall comply with the requirements for ingress and egress and floor area under the applicable building code.
- C. The total overnight sleeping occupancy of the unit shall not exceed more than two persons per bedroom.
- D. The unit shall have direct frontage on a public street or a private street which has received special land use approval from the Township. Units with access to private streets which have not been subjected to the Township's process for special land use approval shall be prohibited.
- E. The unit shall have a minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke / carbon monoxide / fire alarms as may be required by State law or Township regulations, properly installed and placed in code mandated locations throughout the unit and annually tested and certified by the owner as functional.
- F. The unit shall not be rented, or offered for rent, for a period of less than 72 hours, and shall not be rented to more than one person or group within a period extending from 12 p.m. Friday to 11:59 a.m. the following Friday.
- G. Subleasing contrary to these durational requirements is prohibited.

- H. The applicant shall designate in writing a responsible contact person (the “local agent”) with authority to control the occupants of a unit, including the authority to remove them from the unit, who, when the unit is rented, shall be available 24 hours 7 days a week including holidays and be able to be on site within 45 minutes after being contacted. The person may be the owner of the property, or another competent adult with like authority. The name of the contact person shall be provided to the Township and, in addition, shall be posted, facing outside and to the front, in a prominent first floor window or door of the unit stating, in 16-point type or larger, the name of the local agent, a 24-hour telephone number at which the agent can be reached, and the maximum occupancy permitted by this ordinance.
- I. A notice giving the unit’s street address in 16-point type or larger shall be posted in the kitchen, next to each landline telephone (If applicable) and in at least one other location that is prominent within the unit. These notices are to assist occupants in directing emergency personnel to the unit in the event of an emergency.
- J. The occupants shall have not more than three vehicles. The vehicles shall be parked only in areas with a hard, durable surface, in a customary location consistent with the neighborhood, as approved by the designated person appointed by the board. or Overnight guests or visitors shall not park on adjacent public or private streets. Overnight guests shall not exceed occupancy allowed by their permit. All parking shall be provided on the premises, in the areas described above.
- K. If applicable, the operator shall register for and pay any applicable Wexford County or Selma Township Accommodations Tax, unless paid by the entity that arranges the rentals.
- L. The unit shall not be permitted to be used for bachelor or bachelorette parties, team parties, weddings, or any similar event. The number of persons on the property at any one time shall not exceed two times the maximum permitted overnight sleeping occupancy of the unit.
- M. The designated person may direct the location or relocation of fire pits, play equipment, game areas or similar facilities so they will have minimal impact on neighboring properties.
- N. No group of more than the maximum permitted number of overnight guests may gather outdoors after 9:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.
- O. Outdoor campfires, including fires in portable fire pits, fire pit tables, chimineas and similar appliances must be made of a non-flammable material that prohibits the fire from spreading and be no larger than 3ft. by 3 ft. in size. Outdoor campfires are prohibited from 11:00 pm and 9:00 a.m. daily
- P. The operator shall maintain a register with the name and address of the responsible renter and a list of all overnight guests. The list shall be maintained for not less than three years and shall be made available to the Township and law enforcement without the necessity of a warrant.

Q. The occupants and visitors to the premises shall, always, observe all Township ordinances including, but not limited to, the following:

1. Noise and Public Nuisance Ordinance
2. Blight Ordinance

The operator shall be responsible for any violations of such Laws/ordinances committed by guests or visitors, and be subject to applicable civil infraction penalties, and such violations shall be grounds for revocation of this permit.

R. A copy of this ordinance shall be prominently posted within the unit.

Section 9. Verification of Advertising Compliance.

A. The applicant and operator shall provide the Township with a list with an identification of and access to all internet, website, social media, print and any other medium of advertising used for the short-term rental unit. The content of the advertising shall be consistent with the requirements of this ordinance, and shall include not less than the following information:

1. Notification of the limitation on duration of the rentals.
2. The maximum overnight occupancy.
3. The prohibition against parties and the limitation on the number of persons who may be on the premises at any one time.
4. The limitation on the number of vehicles.
5. Posting of rental signs in the yard is prohibited.

Advertising contrary to the provisions of the license and this ordinance shall constitute a violation of this ordinance.

Section 10. Violation Penalties and Permit Revocation:

.Any person who violates any provision of this ordinance, including the continued operation of any short-term rental after the license for the premises has expired, been suspended, or revoked as provided herein, shall be responsible for a municipal civil infraction for which the fines shall not be less than \$250 dollars for the first violation and not less than \$500 dollars for a second subsequent violation, and not less than \$1,000 for a third subsequent violation and in addition to other costs and expenses provided by law. A subsequent violation, for purposes of this Section means a violation of the provisions of this ordinance committed by the same person within six months of the previous violation for which the person admitted to was determined to be responsible.

- A. Each day which any violation continues will be deemed a separate offense.
- B. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance and such other relief as may be provided by law including costs and attorney fees.
- C. The Township Supervisor and enforcement officer, their designee, and any police officer having jurisdiction in the Township, and other persons as may be appointed by the Township Board are hereby designated as authorized local officials to issue municipal civil infraction citations for violations of this ordinance.
- D. The owner and operator of the premises shall be responsible for any violation of this ordinance, in addition to visitors and guests.
- E. A violation of this ordinance is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- F. In addition to enforcing this ordinance through use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this ordinance.
- G. In addition to civil infraction violations, the designated person may determine that a permit should be revoked temporarily or permanently upon a violation of this ordinance, whether the violation is committed by the owner, operator, occupant of or visitor to a short-term rental unit. Upon determination by the designated person to revoke a permit, they shall give notice of that determination to the unit's operator and local agent. The notice shall inform the operator and local agent of the right to a hearing before the Township Supervisor on whether the revocation should be upheld. The operator or local agent may request a hearing by giving a written request to the designated person within 30 days after being given notice of its determination. If a hearing is timely requested, the Township shall schedule the hearing, and notify the operator and local agent in writing of the time and place for that hearing. At the hearing, the Township, operator, and local agent may present evidence as to whether the requirements for revocation have been satisfied. At or after the hearing, the Township Supervisor shall issue a written decision whether to uphold the revocation of the permit or modify the revocation.
- H. Any person aggrieved by a decision of the Township Supervisor under this ordinance may appeal to the Township Board within 30 days. The decisions of the Township Board are final.
- I. If a license is revoked, a person may not apply for another permit for that unit until one year after the revocation is effective, unless the revocation is done on a temporary basis.

Section 11. Severability.

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

Section 12. Effective Date.

This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provision in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Carol Perrin, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Selma at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Carol Perrin, Township Clerk