

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 10th day of September, 2024, at 7:00 p.m.

PRESENT:

BOYD HETTICH PERRIN WETHERELL

ABSENT:

KEITH

The following Ordinance was offered by BOYD and supported by PERRIN

ORDINANCE NO. 2024-68 REVISION 2

**AN ORDINANCE TO REGULATE AND PROVIDE FOR THE PERMITTING OF
SHORT-TERM RENTALS (STRs) 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 (STRs) Ordinance.”

Section 2. Purpose and Scope.

The purpose of this Ordinance is to provide for the licensing and regulation of short-term rentals (hereinafter referred to as “STRs”) within Selma Township. The Ordinance is intended to allow property owners to rent real property to make the use of residential property for the short-term 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 noncommercial gatherings 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 gatherings are rare. Short-term renters shall not be permitted to hold events. Without restriction of such events on STR units, they may be used as event venues more often than would be typical for owner-occupied properties, justifying additional restrictions on such events for STR 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 on for 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. “Events” mean a commercial or noncommercial attraction, exhibit, or temporary display, that is held within a residence or conducted in open air outside of a completely enclosed building conducted, sponsored or authorized by the owner, tenant or occupants of the subject property. Events include but are not limited to bachelor or bachelorette parties, team parties, weddings, company outings, or similar activities.

C. “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 these definitions, “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.

D. “Renter” of a space means a person living in, sleeping in, or otherwise having possession of that space.

E. “Operator” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity responsible for the management or operation of a STR.

F. “Owner” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity holding a premises in fee simple operating a STR unit.

G. “Rent” means to give, or offer to give, possession or occupancy of space under a lease, license, or other agreement, whether written or unwritten. Possession or occupancy is given for payment or other consideration.

H. "STR unit" or "unit" means all or part of a detached single-family dwelling unit that is either rented to a person for less than twenty-eight (28) consecutive days and/or is advertised for that kind of occupancy. The term does not include a hotel, motel or bed and breakfast.

I. "Ordinance Enforcement Officer" is the person employed by the township whose duty is to ensure that Township ordinances are enforced.

J. "STR Administrator" is the person employed by the Township whose duties include administering the STR permit application, approval and enforcement processes. This person coordinates the required Fire Department, Building Official, and Ordinance Enforcement inspections of the STR Unit. Following all application and inspection work, the STR administrator makes a recommendation to the Township Supervisor to approve or not approve the STR permit application.

K. "Local Agent" is the person 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. This person is the Owner or authorized by the Owner to respond to any violation of this or other Township ordinances and take immediate remedial action. The person may be the Owner or Operator of the property, or another competent adult with like authority.

Section 4. Permit Required.

A. No Owner or Operator shall offer, advertise, operate or maintain a STR unit in Selma Township without first obtaining a permit from the Township under this Ordinance.

B. Only (1) one dwelling per parcel shall be eligible for a STR permit.

C. The issuance of an STR 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 STR Owner and Operator.

D. STRs permitted or renting after April 24, 2024, will not be allowed unless they are at least 1,000 feet from any other permitted STR. If ownership transfers for these STRs or the Owner

or Operator fails to renew their permit, those STRs will no longer continue unless they are 1,000 feet or more from another STR.

Section 5. Application and Fee Requirements.

Applicants for an STR shall pay an initial fee of \$500, and an annual renewal fee of \$200. An application for an STR shall include the following:

- A. The name and contact information for the unit's Owner and/or Operator.
- B. Proof of ownership.
- C. An application fee as determined by resolution of the Township Board from time to time.
- D. Certification that the STR will comply with the requirements of this Ordinance.
- E. Certification from the Fire Department and Wexford County Building Official that the STR 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 STR.
- H. Any other information determined by the Township Board as necessary to fulfill the requirements of this Ordinance.
- I. The STR permit application form shall be signed by the Owner, Operator, and the designated local agent.

Section 6. Standards of Approval.

A STR permit will be approved only if the application contains the information required in Section 5 and meets the conditions for approval in Section 8.

Section 7. Duration of Permit.

A. STR permits issued under this Ordinance shall have a term of one (1) calendar year and may be renewed provided one of the events listed in Section 7.B. below has not occurred. The STR renewal application shall be submitted no later than thirty (30) days prior to STR permit expiration, and shall contain the information required above and a certification that there has not been a transfer of ownership or a discontinuation of use of the property for STR.

B A permit issued under this Ordinance automatically expires upon one or more of these events:

1. The STR unit is physically altered so that 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 STR permit.

2. The STR 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 STR unit is sold or otherwise transferred.

Section 8. Conditions of Approval and Operation.

A. The STR 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 STR facility shall not be constructed or adaptable for rental to two (2) or more separate groups at the same time.

B. The STR unit shall contain no more than four (4) bedrooms if located on a property two (2) acres in area or less, or six (6) bedrooms if located on a larger property, Each bedroom shall comply with the requirements for ingress and egress and floor area under the applicable local building and/or fire codes.

C. The total overnight sleeping occupancy of the STR unit shall not exceed more than two (2) persons per bedroom. The total daytime occupancy, including all visitors and guests, shall not exceed two (2) times the sleeping capacity.

D. The STR unit shall have direct frontage on a public street or private street. STR units without access to public or private streets shall be prohibited.

E. The STR unit shall have a minimum of two (2) type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke/carbon monoxide fire alarms as may be required by Wexford County building code, fire inspection, State law or Township regulations, be properly installed and placed in code mandated locations throughout the STR unit, and annually tested and certified by the Owner or Operator as functional.

F. The STR unit will not be rented or offered for rent for a period less than one (1) week between Memorial Day and Labor Day. The rest of the calendar year the STR unit will not be rented for less than a 72-hour period.

G. The Owner or Operator shall designate in writing the name and contact information for a responsible Local Agent. The name and contact information for this person shall be provided to the Township on STR permit application and shall also be posted, facing outside and to the front, in a prominent first floor window or door of the unit stating, in 16 font type or larger, the name of the Local Agents 24-hour telephone number at which the Agent can be reached, and the maximum occupancy permitted by this Ordinance.

H. A notice giving the unit's street address in 16 font 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.

I. The STR Owner and Operator shall provide adequate off-street parking, not less than one (1) vehicle parking place per STR unit bedroom. A boat trailer or snowmobile trailer shall count as a separate vehicle for parking purposes. No recreational vehicles, motor homes, travel trailers or tents are allowed on the property of the STR.

J. The number of persons on the property at any one time shall not exceed two (2) times the maximum permitted for the overnight sleeping occupancy of the STR unit.

K. The Township Ordinance Enforcement Official may direct the location or relocation of fire pits, play equipment, game areas or similar facilities so they will have minimal impact in neighboring properties.

L. No group of more than the maximum permitted number of overnight guests may gather outdoors after 11:00 PM through 8:00 AM.

M. Outdoor campfires, including fires in portable fire pits, fire pit tables, chimneys and similar appliances must be made of a non-flammable material that prohibits the fire from spreading and be no larger than 3 ft. by 3 ft. in size. Outdoor campfires are prohibited from 11:00 PM and 8:00 AM daily.

N. The Owner shall maintain a register of renters and the number of daily guests. The renter/guest list shall be maintained for not less than three (3) years and shall be made available to the Township and STR Ordinance Enforcement Official upon request.

O. Renters and visitors to the STR premises shall always observe all Selma Township ordinances. The Owner and/or Operator shall be responsible for any violations of such ordinances by renters, guests, or visitors, and be subject to applicable civil infraction penalties, and such violations shall be grounds for revocation of a STR permit.

P. A copy of this Ordinance shall be prominently posted within the STR unit.

Q. Any nuisance, including noise, shall be a *per se* violation of this Ordinance.

R. All trash generated by the STR unit shall be placed within a closed container, receptacle or structure, and shall be placed on the roadside the night before the scheduled pick-up only. This requirement shall be visibly posted along with this Ordinance within the STR unit.

Section 9. Verification of Advertising Compliance.

A. STR Applicants shall provide the Township with a list with an identification of access to all internet, social media, print, and any other medium of advertising used for the STR. 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 STRs.
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. STR unit sign(s) are prohibited.

Advertising contrary to the provisions of this Ordinance shall constitute a violation of this Ordinance.

Section 10. Violation Penalties and Permit Revocation

Any STR Owner or Operator who violated any provision of this Ordinance, including the continued operation of a STR after the permit has expired, STR permit has been suspended, or revoked by the Township Supervisor as provided herein, shall be responsible for a municipal civil infraction for which the fines shall not be less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for a third violation in addition to other costs and expenses provided by law. In addition to the monetary fines, the STR Owner and/or Operator will be required to submit a written corrective action plan to the Township Supervisor describing how future similar violations will be prevented. This plan must be approved by the Township Supervisor before a revocation of the permit can be lifted. A subsequent violation, for purposes of this Ordinance means a violation at a STR of this Ordinance within six (6) months of a previous violation.

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, STR Ordinance 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. A violation of this Ordinance is hereby declared to be a public nuisance and a nuisance *per se*.

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

F. Any Owner aggrieved by a decision of the Township Supervisor under this Ordinance may appeal to the Township Board within thirty (30) days. The decision of the Township Board is a final Township decision.

G. If an STR permit is temporarily revoked, an Owner and/or Operator may not apply for another STR permit for that unit for one (1) year after the revocation effective date, and subject to all permitting requirements then in effect.

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 thirty (30) days after its publication or thirty (30) days after the publication of a summary of its provision in a local newspaper of general circulation, whichever is shortest.

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