

DRAFT A.5-1

GERRISH TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN

SHORT-TERM RENTAL ORDINANCE

An Ordinance enacted under 1945 PA 246, as amended, to protect the public health, safety, and general welfare of persons and property in Gerrish Township by the licensing and regulation of Short-Term Rentals, to provide procedures for the suspension and revocation of Short-Term Rental Licenses, and to provide for enforcement and civil penalties for violations of this Ordinance.

GERRISH TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose: This Ordinance is intended to protect the public health, safety, and general welfare of people and property by requiring the licensing of Short-Term Rentals within the Township. This Ordinance is also intended to protect the integrity, permanence, non-transience, and other essential single-family qualities of residential neighborhoods composed primarily of single-family dwellings. Nothing herein is intended to override any deed restrictions or use limitations placed upon property located in Gerrish Township.

Section 2. Applicability: This Ordinance requires any qualified person who desires to advertise and/or operate a Short-Term Rental within the Township to obtain a License under the terms and conditions of this Ordinance.

Section 3. Definitions: The following words and phrases shall have the following meanings:

- A. **Bedroom.** A separate room intended for sleeping or placement of a bed, separated from other spaces in the Dwelling Unit by one or more functional doors. A kitchen, dining area, gathering space, attic, or basement shall not be considered a Bedroom, except for basements or attics with separate egress meeting the standards of the applicable building, residential, and fire codes.
- B. **Dwelling.** A building containing one or more Dwelling Units.
- C. **Dwelling Unit.** A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation. A Dwelling Unit shall not include a motel, adult motel, bed and breakfast, hotel, auto or tourist or motor/cabin courts as those terms are defined and regulated under the Township Zoning Ordinance.

- D. **Immediate Neighbors.** The Owners and/or Occupants of property that are contiguous to the premises on which the Short-Term Rental is located and the property that is separated from the premises on which the Short-Term Rental is located by a public or private road. For the purpose of this definition, a property is separated from the premises on which the Short-Term Rental is located by a public or private road if any portion of the property, as measured between the property's side lot lines are extended to the center of the road, is contiguous with the premises on which the Short-Term Rental is located, as measured between the premises' side lot lines as extended to the center of the road.
- E. **License.** A Non-Transferable Short-Term Rental License issued pursuant to the terms of this Ordinance, valid for a period of one (1) year from the date of issue.
- F. **License Holder.** The person or entity applying for and receiving a Short-Term Rental License from the Township.
- G. **Local Agent.** An individual designated to oversee the Short-Term Rental of a Dwelling Unit in accordance with this Ordinance.
- H. **Long-Term Rental.** A rental offered by an owner or agent on a regular basis for an occupancy consisting of thirty (30) consecutive or more days during a calendar year.
- I. **Occupant.** An individual at least 24 months of age who is living in, sleeping in, or otherwise in possession of a Dwelling or Dwelling Unit. An individual present in a Dwelling Unit during the term of a Short-Term Rental shall be presumed to be an Occupant unless circumstances clearly indicate that the individual is a Visitor as defined by this Ordinance.
- J. **Owner.** All persons or entity/ies holding legal or equitable title to the premises (or portion thereof) used as a Short-Term Rental.
- K. **Person.** Means an individual, trust, firm, corporation, association, partnership, limited liability company, or any other legal entity.
- L. **Short-Term Rental.** A Dwelling Unit in which overnight accommodations are provided or offered to transient guests for compensation, often advertised and booked through websites including but not limited to Airbnb, VRBO/ HomeAway, FlipKey, VacationRentals.com, and Booking.com. The rental of a Dwelling Unit or portion thereof for a period from 1 night to 29 nights shall be prima-facie evidence that the same is being used as a Short-Term Rental. A Short-Term Rental shall not be considered or construed to include approved bed & breakfast establishments, hotels, motels, resorts, long-term rental housing (e.g., a single-family dwelling or multiple-family dwelling such as an apartment that is rented to tenants on a permanent or semi-permanent basis), or campgrounds.

- M. **Special Event.** Outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, receptions or any other events that exceed the maximum number of Occupants allowed at a short-term rental unit.
- N. **Township.** Gerrish Township.
- O. **Visitor.** An individual visiting a Short-Term Rental between the hours of 8:00 am and 11:00 pm, who will not stay overnight. A Visitor shall not be considered an Occupant.
- P. **Principal Residence Exemption (PRE).** The property is occupied as a principal residence by the owner with a properly granted exemption by the Township Assessor.

Section 4. Registration and Licensing Required:

No person or entity shall engage in the Short-Term Rental of any property without first registering that property as a Short-Term Rental with the Township and obtaining the License required by this Ordinance. Only an Owner shall be permitted to be a license Holder under this Ordinance. Owners of rental properties that advertise as a Short-Term Rental and a Long-Term Rental during the calendar year, shall register the property as required by the Short-Term Rental and/or Long-Term Rental ordinances, as applicable.

Section 5. Application for Short-Term Rental License:

- A. **Responsibility.** The Owner of a proposed Short-Term Rental shall apply for a Short-Term Rental license, either directly or through an Authorized Agent, through the submission of a Short-Term Rental License application and payment of a nonrefundable application fee.
- B. **Required Information in Application:** Subject to Section 5D of this ordinance, a Dwelling Unit shall be considered registered, and a license allowing a Short-Term Rental may be issued by the designated Township official, upon an Owner providing an application certified as being true which contains the following information:
 - 1. The name, address, telephone numbers (home, work, or cell phone) and email address of the Owner of the proposed Short-Term Rental. If the proposed short-term rental owner is a corporate or other entity, the application must identify all current members and their percentage ownership interests in the corporation or other entity. If the proposed short-term owner is a trust, the application must identify all trustees and beneficiaries of the trust.

2. An affidavit signed by the Owner of the Proposed Short-Term Rental granting authority to the applicant to act on behalf of the Owner to request a License under this Ordinance if the applicant is not the Owner, and which authorizes the Township to enter the property where the short-term rental is located for purposes of and inspection during regular business hours of the township.
3. The name, address, telephone numbers (home, work, or cell phone) and email address of the applicant, if different than the Owner.
4. If the Owner of the proposed Short-Term Rental does not qualify as, or does not desire to be the Local Agent as defined in this Ordinance, then the written designation by the Owner of a Local Agent, including the name, address, telephone numbers (home, work, or cell phone) and email address of the Local Agent shall be provided.
5. The address of the proposed Short-Term Rental.
6. Parcel Identification Number for the proposed Short-Term Rental.
7. Proof of Ownership pursuant to a deed or land contract. If a land contract is the basis of ownership, a notarized affidavit from the vendor/owner of such property authorizing the use of the same for a short-term rental must also be included.
8. Any deed restrictions (including easements) or use limitations in the subdivision covenants and restrictions or the condominium master deed and/or bylaws applicable to the Short-Term Rental premises. Nothing herein is intended to override any deed restrictions or use limitations placed upon property located in Gerrish Township.
9. A floor plan drawing of the proposed Short-Term Rental that includes the number of Bedrooms intended to be occupied as part of the Short-Term Rental.
10. A drawing of the premises on which the Short-Term Rental will be located that includes all buildings on the premises and the location where all motor vehicles, boats, campers, and trailers will be parked.
11. The number of off-street parking spaces provided for the Dwelling Unit.
12. The maximum number of Occupants to which the Owner intends to rent the Dwelling Unit in any given rental period.
13. The length of the typical rental period for which the Owner intends to rent the property and frequency of rentals.
14. Photographs of the Short-Term Rental premises documenting compliance with the Township Junk and Garbage Ordinance No. 16.
15. An application fee, as established by the Township Board by resolution from time to time.

16. An annual License fee, as established by the Township Board by resolution from time to time.
17. Proof of consent from “Immediate Neighbors” located on the same private road or shared access easement as the Short-Term Rental premises, if applicable.
18. A copy of the Michigan Sales/Use Tax License or copy of a Third-Party Contract, i.e. Including but not limited to Airbnb, VRBO/ HomeAway, FlipKey, VacationRentals.com, and Booking.com. as referenced in Section 3, Paragraph L.
19. A septic and well status report from the Central Michigan District Health Department indicating the number of bedrooms the septic system servicing the short-term rental premises was designed to accommodate.

C. ***Issuance or Denial.*** If an application complies with all the standards and regulations of this Ordinance, the appropriate fee has been paid, and if there are available licenses, the designated Township Official shall approve a License allowing Short-Term Rental. All Short-Term Rental Licenses issued under this ordinance shall be sequentially numbered. If the applicant fails to provide all the information required by this Ordinance or the application is incomplete or fails to pay the required fee, and/or if there are no available Licenses, then the application shall be denied by the designated Township Official on that basis.

D. ***Total Number of Licenses.***

1. The Township Board shall, by resolution, establish a maximum limit on the total number of Short-Term Rental Licenses that are available to be issued pursuant to this Ordinance. Such a limit shall be consistent with the purposes of this Ordinance as set forth herein.
2. Applications for Short-Term Rental Licenses shall be accepted and processed on a first-come, first-serve basis, based on the date and time the application for a Short-Term Rental License is received by the Township, until the maximum number established by the township has been reached. Incomplete or denied applications for a Short-Term Rental License shall lose their opportunity for approval.
3. The Township Board may review and amend the maximum limit on Short-Term Rental Licenses from time to time as it sees fit and may adjust the limit as it is determined to be advisable. Once the total number of Short-Term Rental Licenses issued pursuant to this Ordinance reaches the maximum limit established by the Township Board, the township shall not accept or approve any additional applications for Short-Term Rental Licenses.

4. License holders may apply to renew within 60 days prior to the anniversary date of the original or previous year's license issuance. If a renewal request is not received by the anniversary date, the request will be considered a new application.
5. Each year after the effective date of this ordinance, the number of available licenses will be reduced to the number of valid renewals. At the end of the fourth (4th) year of this ordinance, or December 31 2029, the number of short-term rental licenses available in Gerrish Township will be zero (-0-).
6. . Subject to Subsection 5, when Short-Term Rental Licenses become available in any subsequent year, the Township will circulate a notice within the Township no more than once per year, specifying how many licenses are available and how and when applications may be submitted to the Township to be processed in the same manner provided in subsection 2 above.

E. Principal Residence Exemption.

1. Properties which have a Principal Residence Exemption are not subject to this ordinance provided the owner occupies the residence during any rental period.

Section 6. Regulations: All Short-Term Rentals shall always comply with the following regulations and conditions of a license. Failure to abide by any of these regulations or conditions may result in the revocation of a License, and may be considered grounds to deny renewal of a License in the future. Any license that is revoked, or not renewed or otherwise rendered invalid, will not be re-issued.

- A. The short-term rental is not in violation of any deed restriction or use limitations contained in a deed, platted subdivision, or condominium master deed and/or by-law applicable to the premises.
- B. The maximum occupancy for any Dwelling is two (2) Occupants per Bedroom plus four (4) additional Occupants. The use of campers, recreational vehicles, tents, or other temporary dwellings to provide additional occupancy on the premises is not permitted.
- C. Occupants may have Visitors, provided that the total number of Visitors does not exceed the total number of permitted Occupants after 11 PM. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants and visitors of a short-term rental unit.
- D. No Short-Term Rental shall be occupied by more than twelve (12) Occupants unless the premises have the requisite number of bedrooms as set forth herein **and** the Owner provides

the Township with documentation demonstrating to the Township's satisfaction that:

1. The increased occupancy will not create a fire or safety hazard.
 2. The increased occupancy will not exceed the capacity of or otherwise burden the septic or sewer system connected to the Dwelling.
 3. Adequate off-street parking will be provided such that Occupants or Visitors will not be required to park on the street or on another premises.
 4. Immediate neighbors and all the property owners within 100 feet of the Dwelling consent to the increased occupancy.
 5. The occupants of any short-term rental and visitors are informed prior to occupancy that all Dwellings and Dwelling units Licensed for Short-Term Rentals are subject to all township ordinances, including the Noise Ordinance, Fireworks Ordinance, and Junk and Garbage Ordinance. In the event of a conflict between the Short-Term rental ordinance and other ordinances the more restrictive regulation will apply.
- E. It is the intent of this ordinance to prohibit Short-Term Rentals licenses from being held for purposes other than accommodating Short-Term Rentals, i.e. to reduce the number of available licenses. Therefore, as a condition of maintaining a License, the Owner of a Short-Term Rental premises must engage in and provide proof to the Township of at least one rental per year. Failure to do so without good cause shall be grounds for the township to revoke the license pursuant to Section 10.
- F. The storage and disposal of all refuse and recycling shall meet the following:
1. Each residence should have a container for refuse disposal and a second container for recycling through the Township's refuse contract. Due to a short-term rental being considered commercial in nature any additional refuse collection needs will be the responsibility of the property owner to contract disposal from a waste hauler.
 2. All refuse shall be stored in a container with a tight-fitting lid approved by the waste hauler.
 3. Refuse containers shall be placed in front of the premises for pick up only on the day designated by the waste hauler.
- G. Signage advertising the existence of a short-term rental is prohibited.
- H. For Short Term Rental Homes on waterfront property, if provided, owners shall offer a well-maintained dock or hoist when allowing renters to bring or rent watercraft. Short-term renters using watercraft must comply with any and all requirements imposed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the State of Michigan.

Section 7. Local Agent Regulations:

- A. All Dwelling Units available for Short-Term Rentals shall have a designated Local Agent.
- B. A Local Agent is responsible for responding to calls from Occupants, Visitors, Immediate Neighbors, concerned citizens, police officers and/or Township representatives 24-hours per day, every day of the week, including holidays.
- C. A Local Agent must reside within 60 minutes of the Dwelling Unit used for Short-Term Rentals and have a means of access to the Dwelling and be capable of being physically present on the property within 60 minutes of being informed of an issue.
- D. An Owner meeting the criteria of this section may be a Local Agent.

Section 8. Required Postings: All Dwellings available for Short-Term Rental shall post the following information in a prominent location near the front door of the Dwelling:

- A. The name of the Owner, Local Agent and a 24-hour telephone number at which the Owner and Local Agent can be reached.
- B. The street address of the Dwelling, to assist Occupants and Visitors in directing emergency service personnel in the event of an emergency.
- C. The maximum occupancy of the Dwelling Unit as permitted by this Ordinance.
- D. Notifications and instructions as to parking locations.
- E. Notification that an Occupant or Visitor may be cited or fined by the Township, in addition to any other remedies available by law, for violating any provision of this Ordinance and any other township ordinance or state law.
- F. In addition, the Owner or Local Agent must have proof of mail or delivery of a copy of this ordinance, the street address, the maximum occupancy of the Dwelling, the name and 24-hour telephone numbers of the Owner and the Local Agent to all Immediate Neighbors of the Dwelling. This includes a certificate of mailing or other proof of delivery.
- G. A copy of the Good Neighbor Guidelines established by the Township shall be provided to all occupants for review and shall remain on premises. The Owner is responsible for notifying Occupants of the designated parking spaces, quiet hours, trash disposal, pet regulations, fireworks regulations, and campfire regulations.

Section 9. Safety Requirements:

- A. No Dwelling Unit may be in a basement or attic, unless the Owner can demonstrate compliance with all applicable building, fire, and residential codes.
- B. The street numbers of the Short-Term Rental shall be affixed to the Dwelling in minimum 5-inch numbers clearly visible from the street and posted at road via mailbox or sign post. (3 inches of reflective material).

- C. A fire escape plan shall be provided and graphically displayed in each bedroom of a Dwelling Unit available for rent.
- D. The Owner shall install and maintain an operational smoke detector in each bedroom and shall further install and maintain at least one carbon monoxide device of the type described in MCL 125.1504 on each floor. These devices shall be tested at least once every 90 days to ensure that they are operational. The Owner shall maintain a log of all testing and maintenance activity, which shall be produced to the Township upon request.
- E. A Basic First-Aid kit shall be provided with each Dwelling Unit and shall be in a prominent area. The Owner shall be responsible for ensuring this kit is regularly re-stocked.
- F. A Fire Extinguisher or Suppression Device shall be provided for each stove, oven, or other source of flame. No less than one (1) fire suppression device shall be provided for each Dwelling Unit. All fire suppression devices shall be housed in a clearly visible location and shall be regularly inspected by Owner to ensure their operational condition.

Section 10. Penalties:

- A. Any person who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a civil penalty of \$500.00 for each violation of this Ordinance, as well as the Township's fees and costs in enforcing the Ordinance as permitted by law. Each day that a violation continues to exist shall be considered a separate violation.
- B. An Occupant, Visitor, Owner, and Local Agent may all be fined for the same violations, if deemed appropriate by the Township. In addition, violation of this Ordinance may be grounds for revocation of the License.
- C. A violation of this Ordinance is hereby declared a public nuisance or a nuisance per se and determined to be offensive to the public health, safety and welfare. The Township may enforce this Ordinance in any other manner authorized by law, including without limitation, the commencement of a civil action to abate the nuisance and/or for injunctive or other relief, in which case the licensee agrees by the issuance of any license the Township shall be entitled to recover its costs and attorney fees incurred in any civil action.

Section 11. Revocation:

- A. Upon a determination by the Designated Township Official or Ordinance Enforcement Officer that an Owner, Local Agent, Occupant, Visitor, Dwelling, or Dwelling Unit is in violation of this Ordinance, he or she may issue a notice to the property Owner and the Local Agent that the Owner's License has been revoked. This notice shall also inform the Owner of his or her right to appear at a hearing before the Township Board to show cause as to why the License should be reinstated. An application for such a hearing must be made within fourteen (14)

days of the notice being served.

- B. The Hearing will be held within 14 days of the Owners requesting a Hearing. At the hearing, the Owner shall be permitted the opportunity to demonstrate that the Designated Township Official or Ordinance Enforcement Officer's initial determination was erroneous, or that a violation was due to extenuating circumstances outside the Owner's control that could not be reasonably anticipated and prevented.
- C. The result of this Hearing will conclude with the Township Board voting to uphold or deny the revocation by board vote. For purposes of this Section, extenuating circumstances do not include the acts of Occupants or their Visitors. Upon revocation, a Dwelling Unit cannot be re-registered or licensed for a period of one (1) year and cannot be used for Short-Term Rentals until re-registered and licensed.

Section 12. Severability:

If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect.

Section 13. Effective Date:

This Ordinance shall become effective on May 1, 2026 as provided by law.

Section 14: Repeal:

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.