

ORDINANCE NO. 23-02-15-01

AN ORDINANCE TO AMEND CHAPTER 300 OF THE WORTH TOWNSHIP ZONING ORDINANCE TO ADD A NEW ARTICLE XVIV-KNOWN AS SHORT-TERM RENTALS

The Township of Worth, Sanilac County, Michigan ordains:

ARTICLE XIX
Short Term Rentals

Sec 300-169. Title. This Article shall be known as the Worth Township Short-Term Rental Ordinance.

Sec 300-170. Purpose. This Article and sections are to regulate Short-Term Rentals within the certain designated zones and to prescribe procedures, fees and charges for the same and to provide penalties for a violation.

Sec 300-171. Findings.

- A. Worth Township Board of Trustees finds, after public hearing and upon recommendation of the Worth Township Planning Commission, the residents wish to preserve and retain the residential community character of the Township residential uses, while setting reasonable regulations of Short-Term rental uses.
- B. The desired geographic location for Short-Term Rental uses is in Residential Districts (R-1 and R2). Short-Term Rentals in other designated zoning classifications have not been shown as a demonstrated need in the Township or surrounding local area.
- C. It is the intent of Worth Township to regulate Short-Term Rentals and make the activity a permitted use in Residential Districts (R-1 and R2) subject to the regulations in this Ordinance.
- D. The Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short-Term Rental properties; therefore, the requirements under this Ordinance are necessary to preserve the health safety and welfare of the residents and compatible uses within the various zoning districts.

- E. The transitory nature of occupants of Short-Term Rentals makes continued enforcement against the occupants difficult-therefore a permitting regulation is necessary to preserve the health, safety and welfare of the residents and compatible uses within these various zoning districts.
- F. The provisions of the Ordinance are necessary to prevent the continued burden placed upon County and Township services and impact on residential neighborhoods posed by Short-Term Rentals.

Sec 300-172. Short-Term Rental Standards.

- A. A Short-Term Rental is defined as a rental of a single-family residential property for less than thirty (30) days. Rentals of single-family residential property for thirty (30) days or more are exempt from these provisions.
- B. The occupancy of the Short-Term Rental dwelling shall be limited to two (2) persons for each approved bedroom, plus two additional occupants per finished story and by meeting the applicable egress requirements for occupancy in the Michigan Construction Codes and laws of the State of Michigan for occupied dwellings.
- C. All parking associated with the Short-Term Rental shall be out of the road right of way, easement, roadway or publicly dedicated street or subdivision area designated for driving motor vehicles and entirely on site within the private property area, in the garage or other improved surface.
- D. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, tent or accessory structure.
- E. No overnight guests in excess of the allowable occupancy shall be permitted.
- F. Pets shall be always secured on the property or on a leash. Dogs shall not be allowed to whine, bark, yelp or howl.

- G. Fireworks of any kind are not allowed on rental property except in accordance with Michigan Fireworks Safety Act, Act 256 of 2011, MCL 28.457 or Worth Township Ordinance.
- H. No person shall start or maintain a fire except within approved devices or locations. Fires shall not be left unattended except after being fully extinguished. Worth Township and all contacted fire departments require an annual burn permit be obtained.
- I. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of neighbors. Quiet Hours shall be from 11:00 p.m. to 7:00 a.m.
- J. All Short-Term Rental properties shall have adequate trash receptacles and a contracted trash removal service.
- K. Short-Term Rental use is allowed in the Residential Districts (R-1 and R2). Short-Term Rentals in other designated zoning classifications is prohibited.

Sec 300-173. Owner Responsibilities.

- A. The street address of the property shall be posted in at least two prominent locations within the rental. This is to assist occupants in directing emergency service personnel in the event of an emergency.
- B. The property owner will designate a local "Agent" if the owner does not reside within 100 miles of Worth Township. The "Agent" is required to be available by phone 24 hours a day, 7 days a week whenever the unit is utilized as a Short-Term Rental.
- C. The premises shall be used for Residential Rental purposes only consistent with the Worth Township Zoning Ordinances for Residential Districts (R-1 and R2).

Sec 300-174. Short-Term Rental Permit.

- A. A separate permit is required for each Short-Term Rental property upon application.

- B. The permit shall be issued by the designee of the Worth Township Board of Trustees based upon the standards within this Ordinance.
- C. The following application elements are required prior to receipt of a Short-Term Rental Permit or Rental Permit Renewal:
 - 1. A fully completed application signed by the owner of the property, Short-Term Rental permit application provided by Worth Township.
 - 2. The name of the local contact Agent available by phone 24 hours a day, 7 days a week whenever the unit is utilized as a Short-Term Rental.
 - 3. Other information determined necessary by the Township to confirm compliance with the standards and requirements of this Ordinance.
 - 4. The application fee and number of available permits shall be set by the Worth Township Board of Trustees by resolution.
- D. A Short-Term Rental permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. It is the owner's responsibility to reapply annually and update contact and other required information.

Sec 300-175. Violations; Revocation of Permit.

- A. **Violations.** Any of the following conduct is a violation of the Short-term Rental Ordinance:
 - 1. Any advertising or leasing of a Short-Term Rental without first having obtained a Short-Term Rental permit.
 - 2. The permit holder has failed to comply with the standard conditions specified in the Short-Term Rental standards.
 - 3. The permit holder has failed to comply with any of the provisions within this Ordinance.
 - 4. Any false or misleading information supplied in the application process.

B. **Revocation of Permit.** Worth Township may commence a revocation of the Short-Term Rental permit by providing notice to the Owner of the violations and setting a hearing before the Township Board of Trustees. The Township Board of Trustees may revoke the permit only after notice to the Owner and providing an opportunity to be heard.

C. **Penalties.** Any violation of the provisions of this Ordinance shall constitute a Municipal Civil Infraction.

D. **Authorized Local Official:** This Chapter shall be enforced by the Designee of the Worth Township Board of Trustees.

F. **Court Actions:** By its adoption of this Ordinance, Worth Township does not waive or relinquish any of its authority or power afforded to it under the statutes, laws and Court Rules of the State of Michigan for the enforcement of Township Ordinances. The Township specifically reserves and retains the right to commence appropriate legal proceedings for equitable, injunctive or other relief or remedies available to the Township by actions and suits filed in the Circuit Court for the County of Sanilac in addition to the commencement of actions of filing of complaints and citations in the District Court for the County of Sanilac.

Sec 300-176. Effective Date. This Ordinance shall take effect after adoption and 30 days after the publication of the Ordinance.

MOTION AND VOTE:

Moved by Worth Township Board of Trustee Gilbert, Second by Worth Township Board of Trustee Woodruff, to add Article XIV to Chapter 300 of the Code of Ordinances of Worth Township.

Roll Call vote on this Ordinance was as follows:

| | Yes | No | Abstaining |
|------------------------------|----------|-------|------------|
| Supervisor: Walt Badgerow | <u>X</u> | _____ | _____ |
| Clerk: Jennifer Marshall | <u>X</u> | _____ | _____ |
| Treasurer: Jennifer Woodruff | <u>X</u> | _____ | _____ |
| Trustee: Thomas Gilbert | <u>X</u> | _____ | _____ |
| Trustee: Barbara Millsap | <u>X</u> | _____ | _____ |

AUTHENTICATION AND CERTIFICATION

We hereby certify that the foregoing constitutes a true and complete copy of the Ordinance adopted by majority vote at a Regular Meeting of the Worth Township Board of Trustees on the 15 day of February, 2023.

Witness my official signature this 15 day of February, 2023.

Walt F. Badgerow

Supervisor, Walt Badgerow

J. Marshall

Clerk, Jennifer Marshall