

**HAMLIN TOWNSHIP
MASON COUNTY, MICHIGAN
ORDINANCE NO. 58**

Introduced by C. Lewis; Seconded by S. Ptaszenski.

HAMLIN TOWNSHIP SHORT-TERM RENTAL ORDINANCE

An ordinance to regulate the short-term rental of dwelling units within the township; to provide findings in support of the perceived need for short-term rental regulation; to provide definitions for certain words and phrases; to define circumstances under which short-term rentals may be licensed and permitted; to provide a process for the registration of short-term rentals and the issuance of licenses; to prohibit unlicensed short-term rentals; to set a maximum number of short-term rental licenses available in the township; to set a maximum number of short-term rental licenses that may be held by the same person; to prohibit the transfer of short-term rental licenses between certain persons and properties; to provide penalties for violations; to provide for the revocation of certain licenses following a hearing and opportunity to be heard; to permit the continuation of certain preexisting licenses not inconsistent herewith; and for related purposes.

The Township of Hamlin, Mason County, Michigan, ordains:

Section 1. Title

This ordinance shall be known and may be cited as the Hamlin Township Short-Term Rental Ordinance.

Section 2. Statutory Authority

This regulatory ordinance is adopted pursuant to Section 1 of Michigan's Township Ordinances Act, 1945 P.A. 246, as amended, MCL 41.181, to regulate the safety and general welfare of persons and property within the township.

Section 3. Findings

Extensive public comments, remarks, letters, and other materials were received by the informal short-term rental workgroup that met in Hamlin Township during late 2023 and early 2024, which was empaneled to consider the opinions and input of community members, property owners, and other stakeholders on the subject of short-term rentals and similar transient uses within the township. In addition, a survey pertaining to current and future short-term rental uses was mailed to township property owners in early 2024, and the results of that survey were tabulated by Hamlin Township zoning department staff. On the basis of these studies, as well as the results of a housing assessment conducted throughout Mason County during 2023 and 2024, the Hamlin Township Board of Trustees makes the following findings:

- (a) There are a number of residential properties in Hamlin Township currently used as short-term rentals, some of which are publicly advertised for short-term use and rented to transient tenants

on a regular basis, and others which are offered for rent less frequently to family or friends. Irrespective of the number or type of tenants, however, it appears that the majority of these short-term rental properties are rented to transient tenants for money, making the uses commercial in nature.

(b) Complaints regarding noise, traffic congestion, improper parking, littering, and/or trespassing have increased in certain neighborhoods where multiple properties are being used as short-term rentals.

(c) Whether or not caused entirely by the proliferation of short-term rentals, there is a lack of suitable rental housing within the township, and the number of long-term rental units presently available in Hamlin Township is low.

(d) In order to preserve the peace and safety of township neighborhoods and residential streets, and to ensure the availability of sufficient housing for township citizens, it is necessary to place a reasonable limit on the number of short-term rentals allowed within the township and to establish rules governing the use, occupancy, and ownership of short-term rental properties.

Section 4. Definitions

(a) **Short-Term Rental.** The term “short-term rental” means the renting, leasing, letting, or making available for occupancy any dwelling unit or portion thereof situated on a parcel of real property within the township for a fee or other compensation for one or more terms of 29 or fewer consecutive days each in any calendar year.

(b) **Bedroom.** The term “bedroom” means a room used for sleeping which meets the applicable size and egress requirements for bedrooms under Michigan law and all applicable local ordinances.

(c) **Dwelling Unit.** “Dwelling unit” means that term as defined in the Hamlin Township Zoning Ordinance, Ordinance No. 45, as it may be amended from time to time.

(d) **Occupant.** The word “occupant” means an individual who resides in, stays in, or sleeps in a bedroom in a dwelling unit, or an individual who rents, leases, or has possession of a space within a dwelling unit.

(e) **Owner.** The word “owner” means an owner of record of the present fee interest in the real property where the dwelling unit is situated.

(f) **Local Agent.** The term “Local Agent” means an individual designated by the owner and approved by the township to oversee the short-term rental of a dwelling unit on the owner’s property and to respond to calls from the short-term renters, their invitees and guests, township residents, law enforcement officials, first responders, and/or representatives of the township. The Local Agent must be available to accept telephone calls on a 24-hour basis at all times while the dwelling unit is rented and occupied. The Local Agent must have a key to the dwelling unit and must be able to physically respond to the dwelling unit within thirty (30) minutes to address any

issues that arise. The designated Local Agent must be authorized by the owner or owners of the dwelling unit to accept service of process for any municipal civil infraction citations.

(g) **Entity.** The word “Entity” means a partnership, limited partnership, limited liability partnership, corporation, limited liability company, joint venture, trust, estate, homeowners association, association of condominium co-owners, summer resort association, religious society, fraternal organization, unincorporated association, or any other entity or enterprise that is not a natural human being.

(h) **Natural Person.** The term “natural person” means a human being. The term “natural person” does not include an Entity.

(i) **Application.** The term “Application” means the application which must be submitted under this ordinance by the owner or licensee of each short-term rental dwelling unit.

(j) **Application Fee.** The term “Application Fee” means a non-refundable fee of \$25.00 that must be submitted to the township in conjunction with the Application.

(k) **Designated Township Official.** The term “Designated Township Official” means the township official or employee designated from time to time by resolution of the Hamlin Township Board of Trustees to manage and administer the short-term rental program under this ordinance.

On July 11, 2024 the Township Board approved the Hamlin Township Zoning Administrator as the Designated Township Official” to manage and administer

(l) **Licensee.** The term “licensee” means the natural person designated by the owner of a short-term rental property to apply for and hold the license for a short-term rental. A licensee must be an owner of the property, a natural person owning a majority interest in an Entity which owns the property, or a natural person with effective control of an Entity which owns the property as established to the satisfaction of the township. For purposes of this ordinance, a married couple shall be considered a single natural person and licensee and shall be subject to all limitations applicable to an individual licensee.

(m) **License.** The word “license” or “short-term rental license” means a license issued to a licensee under this ordinance authorizing the short-term rental of a particular dwelling unit within the township.

(n) **License Fee.** The term “License Fee” means the fee of \$1,000.00 which must be submitted to the township by the licensee to secure the issuance of a short-term rental license for the dwelling unit identified in the Application for a term of three years.

(o) **Expiring Licenses.** The term “Expiring Licenses” means those licenses set to expire on December 31st in any given calendar year. Not later than November 1st of each year, the Designated Township Official shall calculate the number of Expiring Licenses that are set to expire on the next following December 31st.

(p) **Township.** The term “township” means Hamlin Township, Mason County, Michigan.

(q) **Rental Agreement.** The term “Rental Agreement” means the rental agreement or lease agreement that will govern the landlord-tenant relationship between the owner or owners of the property and the short-term renters.

Section 5. License Required for All Short-Term Rentals

No person shall allow, permit, suffer, advertise for, engage in, or participate in the short-term rental of any dwelling unit within the township without first having obtained a short-term rental license as required by this ordinance. It is unlawful for any person to allow, permit, suffer, advertise for, engage in, or participate in the short-term rental of any dwelling unit for which there is no current license or for which a previously issued license has terminated or been revoked.

Section 6. Licenses Pertain to Specific Properties Only

A short-term rental license shall be issued to a natural person only, and only in connection with a specific dwelling unit that is approved for a short-term rental license under this ordinance. Entities will not be issued short-term rental licenses, and any Entity which owns property within the township must designate a natural person as licensee to hold any short-term rental license which may be issued for any dwelling unit on the property.

Section 7. Maximum Number of Licenses Per Licensee

No licensee may hold more than two short-term rental licenses at any time under this ordinance or any previous Hamlin Township ordinance or short-term rental regulation except as otherwise provided in this ordinance.

Section 8. Maximum Number of Licenses in Township

The total number of short-term rental licenses issued and outstanding within the township shall not exceed one hundred ten (110) at any given time.

Section 9. Term of Licenses

All short-term rental licenses are issued on a three-year basis and are valid from January 1st of the first year until December 31st of the third year, unless earlier terminated or revoked as herein provided. The issuance and renewal of existing short-term rental licenses shall be staggered so that not all licenses expire in the same calendar year.

Section 10. Timeframe for License Issuance and Renewal and Applications

The process of accepting Applications and Application Fees and issuing and renewing licenses hereunder shall take place between September 1st and December 31st of each calendar year. Licenses shall not be issued or renewed on a rolling basis throughout the year but shall only be issued or renewed according to the timeframe set forth herein.

- (a) No short-term rental license shall be issued, renewed, or continued in effect for any dwelling unit within the township unless the licensee has submitted a completed Application and Application Fee to the township no later than the close of business on November 1st of the 3rd calendar year that the license has been in effect.
- (b) The Hamlin Township Board of Trustees shall prepare and make available a standard Application form for use by all persons including licensees whose license terms are expiring, and all other persons desiring to apply for a short-term rental license in accordance with this ordinance.
- (c) Application forms shall be made available to the public at the township offices no later than September 1st of each calendar year. Applications and Application Fees will be accepted at the township offices beginning on September 1st and ending on December 31st. No Application or Application Fee will be accepted by the township later than the close of business on December 31st in any given year. No exceptions or extensions will be made.
- (d) If a licensee or owner uses or seeks to use more than one dwelling unit for short-term rental purposes, including more than one dwelling unit on the same parcel, the licensee must submit a separate Application and Application Fee for each such dwelling unit.
- (e) A licensee shall provide all the following information on or in conjunction with each Application:
- (i) The names, addresses, and telephone numbers of each record owner of the real property upon which the dwelling unit is situated.
 - (ii) The name, address, and telephone number of the licensee designated by the owner or owners to apply for, receive, and hold any license which may be issued for the particular dwelling unit.
 - (iii) The name, address, telephone number, and email address of the Local Agent designated by the owner or owners for the particular dwelling unit (this information must also be contained in the Rental Agreement).
 - (iv) The street address and legal description of the real property where the dwelling unit is located, and, if there is more than one dwelling unit on the same property, some other unique identifying characteristic of the dwelling unit which is satisfactory to the township (this information must also be contained in the Rental Agreement).
 - (v) A copy of the last recorded deed in the chain of title showing the present ownership of the real property where the dwelling unit is located.
 - (vi) A complete copy of the Rental Agreement which will govern the landlord-tenant relationship between the owner or owners and the short-term renters.
 - (vii) The specific period or periods during the calendar year when the dwelling unit will be available for and/or advertised for short-term rental use.

- (viii) The number of bedrooms in the dwelling unit (this information must also be contained in the Rental Agreement).
 - (ix) The maximum number of occupants for the dwelling unit as determined under this ordinance (this information must also be contained in the Rental Agreement).
 - (ix) The number of off-street parking spaces provided for the dwelling unit (this information must also be contained in the Rental Agreement).
 - (x) A detailed site plan of the rental property, interior dwelling, and designated parking area submitted with this application
 - (xi) Such other information that the Hamlin Township Board of Trustees may require on the Application from time to time.
- (f) The licensee shall sign the Application certifying that all information provided therein is true and complete to the best of his or her information, knowledge, and belief.
- (g) The licensee shall pay the Application Fee at the time a completed Application is submitted. If a licensee submits more than one Application, a separate Application Fee shall accompany each such Application. All fees collected hereunder by the township shall be used for the administration of this short-term rental program and enforcement of this ordinance.
- (h) Upon receipt of an Application and Application Fee, the Designated Township Official shall stamp the Application with the date and time received.
- (i) If a submitted Application appears to be complete, pertains to one dwelling unit only, and is accompanied by the correct Application Fee, the Designated Township Official shall accept the submitted Application and Application Fee unless the licensee already holds a combination of two or more short-term rental licenses and/or Applications enrolled on the Waiting List, in which case the Designated Township Official shall not accept any new Application or Application Fee from the licensee pertaining to a different or additional dwelling unit.
- (j) If an accepted Application pertains to a dwelling unit for which the licensee does not already hold an existing short-term rental license and for which an Application is not already enrolled on the Waiting List, the Designated Township Official shall assign it a unique identifying number and place it on the Waiting List according to the order in which it was received.
- (k) The acceptance of an Application by the Designated Township Official does not automatically entitle the licensee or any other owner to receive a short-term rental license for the dwelling unit, nor does it confer upon the licensee, any other owner, or their successors, assigns, representatives, or heirs, any property right or vested interest in receiving a short-term rental license hereunder.

Section 12. Waiting List

- (a) A public waiting list ("Waiting List") is hereby established to maintain a record of Applications accepted by the township. Accepted Applications shall be enrolled on the Waiting List in the order in which they are received by the township. The Waiting List shall be maintained at the township offices for an indefinite period, or until this ordinance is amended in pertinent part or repealed.
- (b) Once a completed Application is first accepted and added to the Waiting List, it shall retain its position on the Waiting List as long as the property is owned by the applicant or until a license becomes available.
- (c) If and when a license becomes available and is offered and issued to the licensee identified in the next Application on the Waiting List, the cumulative amount paid in the form of annual Application Fees to keep the Application enrolled on the Waiting List shall be applied to the License Fee.
- (d) In the event that a short-term rental license is offered to a licensee who refuses or declines to accept the license within the timeframe prescribed by this ordinance, or in the event that the licensee designated in the Application does not qualify to hold a short-term rental license under this ordinance at the time it is offered, that Application will be removed from the Waiting List and the \$25.00 paid Application Fee shall be forfeited.
- (e) So long as the requirements set forth above are satisfied, completed Applications shall remain enrolled on the Waiting List in their original order of priority until they are removed or until a short-term rental license is offered to the licensee for the dwelling unit identified in the Application.

Section 13. Renewal of Licenses

- (a) It is the present policy of Hamlin Township to allow licensees who hold existing short-term rental licenses to renew their licenses for additional terms so long as they continue to qualify to hold a short-term rental license under this ordinance. This policy is subject to change by the Hamlin Township Board of Trustees. No licensee who has received a license hereunder acquires any property interest or right in the renewal of his or her license under the terms of this ordinance.
- (b) If, by the close of business on November 1st in any given year, completed Applications and Application Fees have been received from each licensee identified in each of the Expiring Licenses seeking renewal of the licenses for an additional term, then no new licenses shall be issued at that time, and the Designated Township Official shall offer to renew each Expiring License if the conditions of this section are met.
- (c) In order to obtain the renewal of an Expiring License for an additional term, the licensee must submit all the following to the township no later than December 1st:
 - (ii) Completed Application and Application Fee
 - (ii) The License Fee.

- (iii) A copy of the last recorded deed in the chain of title showing the present ownership of the real property where the dwelling unit is located.
- (iv) A Sworn Statement signed by the licensee certifying that each of the following statements is true and accurate:

- (A) The licensee is not aware of any ongoing violations of this ordinance at the dwelling unit.

- (B) No license held by the licensee pertaining to any dwelling unit within the township has been revoked during the preceding five years and the licensee has paid all civil fines and/or satisfied all conditions imposed by any court of law for any previous violations of this ordinance, if any.

- (C) All owners of record (including the licensee), the Local Agent, and all persons renting the dwelling unit promise to comply with all provisions of this ordinance, all pertinent state and federal laws, and all other Hamlin Township ordinances which may be applicable to the use and occupancy of the property.

- (D) The owner carries adequate insurance on the property where the dwelling unit is located and has notified the insurance carrier that the dwelling unit is being used as a short-term rental.

- (E) All owners of record (including the licensee) and the Local Agent acknowledge that the short-term rental license may be revoked for the reasons stated in this ordinance.

- (F) In the case of real property owned by an Entity, the licensee is the natural person having majority ownership of the Entity or the natural person with effective control of the entity.

- (G) The property's septic tank and drain field have not shown any signs of failure within the preceding 12-month period, the dwelling unit is served by potable running water, no leaking or seeping sewage is apparent on the surface of the ground, and no sewage emanating from the dwelling unit is being discharged into any surface waters, wetlands, or adjacent lands.

- (H) The licensee has the actual authority to make these representations on behalf of all owners of record and the Local Agent.

- (I) The licensee and his or her spouse, if any, do not already hold a combination of two or more licenses under this ordinance and/or any other or previous Hamlin Township short-term rental ordinance.

(d) If all the foregoing items are timely received by the township and the licensee continues to meet the qualifications for holding a short-term rental license, the Designated Township Official shall renew the Expiring License for the dwelling unit for an additional three-year term, to commence January 1st.

(e) If all the foregoing items are not received by December 1st, the licensee shall be deemed to have irrevocably elected not to renew the Expiring License. In such case, no further notice of non-renewal need be provided to the licensee or to any other owner of the property where the dwelling unit is situated.

Section 14. Issuance of New Licenses

(a) If, by the close of business on November 1st in any given calendar year, a completed Application and Application Fee has not been received from each licensee identified in each Expiring License, or if any outstanding licenses have been terminated or revoked during that calendar year, then the Designated Township Official shall, by December 1st, calculate the number of new licenses which are available for issuance.

(b) The Designated Township Official shall promptly notify the corresponding number of licensees whose Applications are next enrolled on the Waiting List of the availability of such licenses. The Designated Township Official shall offer one available license to each such licensee, each of whom shall have until December 15th to accept the license as offered. In the event that any such licensee declines to accept the license by December 15th or does not meet the qualifications for holding a short-term rental license under this ordinance, the available license shall then be offered to the licensee identified in the next Application on the Waiting List, and so on, until the available license has been accepted by a qualified licensee or until there is no one remaining on the Waiting List seeking the issuance of a license.

(c) Upon accepting a license which has been offered according to the foregoing provisions, the licensee must submit the following to the township in order to secure issuance of the license:

(i) The License Fee.

(ii) A copy of the last recorded deed in the chain of title showing the present ownership of the real property where the dwelling unit is located.

(iii) A Sworn Statement signed by the licensee certifying that each of the following statements is true and accurate:

(A) The licensee is not aware of any ongoing violations of this ordinance at the dwelling unit.

(B) No license held by the licensee pertaining to any dwelling unit within the township has been revoked during the preceding five years and the licensee has paid all civil fines and/or satisfied all conditions imposed by any court of law for any previous violations of this ordinance, if any.

(C) All owners of record (including the licensee), the Local Agent, and all persons renting the dwelling unit promise to comply with all provisions of this ordinance, all pertinent state and federal laws, and all other Hamlin Township ordinances which may be applicable to the use and occupancy of the property.

(D) A detailed site plan of the rental property, interior dwelling, and designated parking area.

(E) The owner carries adequate insurance on the property where the dwelling unit is located and has notified the insurance carrier that the dwelling unit is being used as a short-term rental.

(F) All owners of record (including the licensee) and the Local Agent acknowledge that the short-term rental license may be revoked for the reasons stated in this ordinance.

(G) In the case of real property owned by an Entity, the licensee is the natural person having majority ownership of the Entity or the natural person with effective control of the entity.

(H) The property's septic tank and drain field have not shown any signs of failure within the preceding 12-month period, the dwelling unit is served by potable running water, no leaking or seeping sewage is apparent on the surface of the ground, and no sewage emanating from the dwelling unit is being discharged into any surface waters, wetlands, or adjacent lands.

(I) The licensee has the actual authority to make these representations on behalf of all owners of record and the Local Agent.

(J) The licensee and his or her spouse, if any, do not already hold a combination of two or more licenses under this ordinance and/or any other or previous Hamlin Township short-term rental ordinance.

(d) If all the foregoing items are submitted and the licensee meets the qualifications for holding a short-term rental license hereunder, the Designated Township Official shall issue a short-term rental license to the licensee for the dwelling unit designated in the Application for a term of three years, commencing on January 1st.

Section 15. Qualifications for Licensees

(a) A licensee is qualified to hold a short-term rental license under this ordinance only if all the following apply:

(i) No short-term rental license held by the licensee pertaining to any dwelling unit within the township has been revoked in the preceding five years.

(ii) The licensee has paid all civil fines and/or satisfied all conditions imposed by any court of law for any prior violation of this ordinance, if any.

(iii) The licensee is at least 18 years of age and is an owner of the real property, a natural person owning a majority interest in an Entity which owns the real property, or a natural person with effective control of an Entity which owns the real property.

(iv) The licensee has not committed an act of dishonesty or fraud in connection with any Application submitted under this ordinance.

(b) The Designated Township Official shall determine whether a licensee is qualified to hold a short-term rental license according to the foregoing standards, and his or her decision on this issue shall be final. The Designated Township Official shall not issue a license to any licensee who is not qualified to hold a short-term rental license under this section.

Section 16. Regulation of Short-Term Rentals

(a) The maximum occupancy of any dwelling unit used as a short-term rental shall not exceed two adult occupants per bedroom plus one additional adult occupant per finished story.

(b) The total number of persons allowed on site at any given time in any dwelling unit used as a short-term rental, including both the short-term renters and their daytime guests, shall not exceed twice the maximum adult occupancy as determined under subsection (a).

(c) No attic or basement may be counted as a story for purposes of determining the maximum occupancy of a dwelling unit under this ordinance unless the attic or basement meets the applicable egress requirements for occupancy under Michigan law, all applicable fire codes, and any other applicable local ordinances.

(d) Every dwelling unit licensed as a short-term rental in the township must have adequate garbage receptacles, working smoke detectors, and at least one accessible fire extinguisher that is fully charged and not expired.

(e) On the interior of every dwelling unit licensed as a short-term rental in the township, there shall be conspicuously posted, in the English language, all the following:

(i) The number of bedrooms in the dwelling unit, the maximum adult occupancy of the dwelling unit, and the maximum number of daytime guests allowed at the dwelling unit as permitted under this ordinance.

(ii) The location of garbage receptacles and the schedule of trash pick-up times.

(iii) The boundaries of the property.

(iv) The location and number of designated on-site parking spaces.

(v) Notice that on-street parking is not permitted.

(vi) Information concerning any common areas which are available for use by short-term renters.

- (vii) Notice that no tents, campers, recreational vehicles, or other forms of mobile or temporary overnight accommodation may be used in conjunction with the short-term rental.
 - (viii) Notice concerning short-term rental quiet hours, which generally extend from 11:30 p.m. until 8:00 a.m. daily, except as otherwise provided in this ordinance.
 - (ix) Notice that all pets must be secured on the premises or on a leash and may not be left on or about the premises unattended.
 - (x) Telephone numbers for the Hamlin Township offices, local law enforcement, fire department, and ambulance.
 - (xi) A copy of this ordinance.
- (f) There shall be posted on the main door or in a prominent first-floor window of each dwelling unit licensed as a short-term rental a notice in the English language, printed in no smaller than 16-point type, stating the name of the Local Agent and the telephone number at which the Local Agent can be reached 24-hours a day.
- (g) Upon receiving a complaint from a neighbor or adjacent property owner concerning the use or occupancy of the dwelling unit, excessive noise emanating from the dwelling unit or its grounds, offensive odors or fumes emanating from the dwelling unit or its grounds, or unleashed or uncontrolled pets or animals on the premises of the dwelling unit, the Local Agent must notify the Designated Township Official of the nature and substance of the complaint not later than the close of business on the next business day. Repeated failure to notify the township of such complaints may result in revocation of the short-term rental license for the dwelling unit.
- (h) Vehicles shall be parked in designated parking spaces only and shall not be parked in the property's yard or on the street.
- (i) Short-term renters must pick up and properly dispose of all pet waste.
- (j) The owner of each property licensed as a short-term rental shall carry adequate insurance on the property where the dwelling unit is situated and shall disclose to the insurance carrier that the property is being used as a short-term rental.

Section 17. Regulation of Noise

- (a) Quiet hours for all short-term rentals within the township extend from 10:00 p.m. to 9:00 a.m. daily, except as otherwise provided in subsection (c) below.
- (b) Any of the following audible sounds occurring during the aforesaid quiet hours shall constitute a violation of this ordinance:
- (i) The playing of amplified music which can be heard on the exterior of the dwelling unit by a person of ordinary hearing standing on the nearest property boundary.

- (ii) Boisterous or loud yelling, screaming, singing, or talking.
 - (iii) The continuous barking of dogs.
 - (iv) The use of any fireworks, firecrackers, explosions, noisemakers, musical instruments, drums, bells, whistles, air horns, radios, stereos, speakers, or other electrical or mechanical devices which cause audible sounds that disturb the quiet, comfort, and repose of the neighbors and persons in the vicinity.
- (c) No person who is renting, occupying, or visiting any short-term rental shall use, ignite, or discharge any firework or firecracker at any time, except during the following days and times when fireworks are allowed in the township:
- (i) Between the hours of 11:00 a.m. on December 31st and 1:00 a.m. on January 1st.
 - (ii) Between the hours of 11:00 a.m. and 11:45 p.m. daily on the Saturday, Sunday, and Monday of the Memorial Day Holiday weekend.
 - (iii) Between the hours of 11:00 a.m. and 11:45 p.m. daily from June 29th through July 4th, inclusive. And if July 4th falls on a Friday or Saturday, then between the hours of 11:00 a.m. and 11:45 p.m. on July 5th.
 - (iv) Between the hours of 11:00 a.m. and 11:45 p.m. daily on the Saturday, Sunday, and Monday of the Labor Day Holiday weekend.

Section 18. Non-Transferability of License Between Dwelling Units

A short-term rental license issued under this ordinance may not be transferred from one dwelling unit to another dwelling unit. Any attempt to transfer a short-term rental license from one dwelling unit to another dwelling unit constitutes a violation of this ordinance and shall also result in termination of the license.

Section 19. Non-Transferability of License Between Licensees

- (a) A short-term rental license held by one licensee may not be transferred to another licensee during the term of the license except under the following circumstances:
- (i) Upon the transfer or sale of the real property where the dwelling unit is situated to the licensee's spouse, child, parent, or grandchild, the licensee may transfer the license to the licensee's spouse, child, parent, or grandchild provided that the transferee is at least 18 years of age, the new owner of the property, and qualified to hold a short-term rental license under this ordinance. The township may require the transferring licensee to submit satisfactory proof of the familial relationship.
 - (ii) Upon a change in majority ownership of an Entity which owns the real property, a license pertaining to a dwelling unit on that property may be transferred to a new licensee designated by the Entity if the new licensee is the majority owner of the Entity or has

effective control of the Entity, is at least 18 years of age, and qualifies to hold a short-term rental license under this ordinance.

(b) Any attempt to transfer a short-term rental license from one licensee to another licensee in violation of this section constitutes a violation of this ordinance and shall also result in termination of the license.

Section 20. Inspection of Short-Term Rental Unit

At reasonable hours and upon advance notice to the Local Agent, the Designated Township Official may inspect a dwelling unit licensed as a short-term rental to investigate a written complaint received by the township or to ensure continuing compliance with this ordinance.

Section 21. Civil Fines and Enforcement

(a) A violation of any provision of this ordinance shall constitute a municipal civil infraction. Notwithstanding any other ordinance to the contrary, a violation of this ordinance shall subject the violator to a civil fine according to the following schedule:

(i) Short-term rental of unlicensed dwelling units. For the short-term rental of an unlicensed dwelling unit, a person is subject to the following civil fines:

(A) \$500.00 for a first violation.

(B) \$750.00 for each subsequent violation.

(ii) Maximum occupancy. For exceeding the maximum occupancy permitted for the dwelling unit under this ordinance, a person is subject to the following civil fines:

(A) \$500.00 for a first violation.

(B) \$750.00 for each subsequent violation.

(iii) Other violations. For all other violations of this ordinance, a person is subject to the following civil fines:

(A) \$250.00 for a first violation.

(B) \$500.00 for each subsequent violation.

(b) Each day that a person violates this ordinance or that a violation of this ordinance continues shall constitute a separate violation of this ordinance and may be treated as a separate municipal civil infraction.

(c) In addition to the issuance of one or more municipal civil infraction citations, the township reserves the right to bring an action for injunctive, declaratory, or other equitable relief against any person to restrain or prevent a violation of this ordinance. A person in violation of this ordinance shall be subject to such additional sanctions or remedies as may be authorized by law.

(d) This ordinance may be enforced by the Designated Township Official, Township Supervisor, any sworn officer of the Mason County Sheriff's Department, any peace officer acting within the township, or any other official or employee of the township lawfully designated to enforce this ordinance and issue municipal civil infraction citations by resolution of the Hamlin Township Board of Trustees.

Section 22. License Revocation

(a) After written notice to the licensee and an opportunity for the licensee to be heard, the Hamlin Township Board of Trustees may revoke a short-term rental license upon proof by a preponderance of the evidence that one of the following grounds for revocation has been established:

(i) The dwelling unit to which the license appertains is the site of two or more violations of this ordinance within the same calendar year resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility by the owner, licensee, or any short-term renter.

(ii) A court of competent jurisdiction has determined that the licensee has committed fraud, forgery, or other crime of dishonesty with respect to any Application, form, or other information required to be submitted to the township under this ordinance.

(iii) On at least four occasions in the same calendar year, the Local Agent has failed to timely notify the township of complaints about a particular dwelling unit received from neighbors or adjacent property as required by Section 16(g) of this ordinance.

(b) Upon belief that a short-term rental license is subject to revocation on one of these grounds, the Designated Township Official shall issue a written notice to the licensee and any other owner stating that the township intends to revoke the license and describing the grounds for revocation specifically. The notice shall inform the licensee and any other owner of the right to appear and present evidence at a hearing to show cause why the license should not be revoked.

(c) The township shall schedule a show-cause hearing before the Hamlin Township Board of Trustees and notify the licensee and any other owner in writing of the time and place of the hearing.

(d) At the show-cause hearing before the Hamlin Township Board of Trustees, the licensee or other owner may present evidence to establish that the alleged ground warranting revocation has not been met or that the license should not be revoked because of extenuating circumstances. Extenuating circumstances may include evidence (i) that the licensee, owner, or renter attempted to correct or halt the violation while it was occurring, (ii) that a violation resulted from an Act of God or other event outside the licensee's, owner's, or renter's control, or (iii) that the licensee, owner, or renter was otherwise unable to conform to the requirements of this ordinance due to unforeseeable circumstances or conditions.

(e) Following a show-cause hearing, upon evidence satisfactory to prove that the alleged ground for revocation has been established, the Hamlin Township Board of Trustees may revoke the license

by majority vote. If the license is revoked, the dwelling unit shall not be re-licensed for a period of two years and shall not be used as a short-term rental unless and until it is lawfully re-licensed under this ordinance.

Section 23. Remedies Cumulative

The penalties provided for herein for violations of this ordinance are cumulative, and the township's election to pursue or impose one such penalty does not foreclose the township's right to pursue or impose a different or additional penalty which may be provided for the violation. This ordinance shall not be construed to impair, replace, or supersede any other penalty or remedy not inconsistent herewith that may be provided by law.

Section 24. Termination of License

Notwithstanding the fact that the three-year term of a short-term rental license is not set to expire on December 31st of the current year, any license issued and outstanding in the township shall terminate on the next following December 31st and shall not be continued in effect thereafter if any one or more of the following have occurred during that calendar year:

- (a) The licensee has died.
- (b) The licensee has surrendered the license to the township with the intent to permanently relinquish it.
- (c) The licensee has failed to submit timely an Application and Application Fee by November 1st of the 3-year term's expiring year.
- (d) The township receives proof that the real property where the dwelling unit is situated has been destroyed, abandoned, condemned, or declared as unfit for human habitation by the local health department.
- (e) The real property where the dwelling unit is situated has been sold or transferred to a transferee who is not the licensee's spouse, child, parent, or grandchild as described in Section 19(a)(i) of this ordinance.
- (f) The licensee has attempted to transfer the license from one dwelling unit to another dwelling unit in violation of this ordinance.
- (g) The licensee has attempted to transfer the license to a different licensee in violation of this ordinance.

Section 25. Duty to Update Information

All licensees who hold one or more current licenses hereunder shall notify the township of any change of address of the Licensee or Local Agent, any change of the Local Agent's telephone number or contact information, or any change of ownership of the real property where the dwelling unit is situated within fifteen (15) days of the date such change takes effect.

Section 26. Short-Term Rental as Commercial Use

The short-term rental of a dwelling unit constitutes a commercial use, irrespective of whether a profit is realized thereby, and is not a home occupation within the meaning of the Hamlin Township Zoning Ordinance, Ordinance No. 45.

Section 27. Exceptions

- (a) This ordinance does not apply to the use, occupancy, or licensing of any bed and breakfast, boarding or lodging house, resort, cabin court, day care home, child care home, motel or hotel room, adult group home, hospital, or nursing facility.
- (b) This ordinance does not apply to the use, occupancy, or licensing of any housing for seasonal or transient agricultural workers which may be permitted under Michigan's Right to Farm Act or other federal or state law.
- (c) This ordinance does not apply to the use or occupancy of any dwelling unit on any property within the township by a member of the owner's immediate family or that family member's guests as long as the said unit is so used and occupied without remuneration to the owner or the owner's representative or agent.
- (d) This ordinance does not apply to the use and occupancy of any guest house, separate dwelling unit, or separate sleeping quarters lawfully located on the same property as a principal dwelling as long as the said guest house or separate unit or quarters is used and occupied by a member of the property owner's immediate family, family guests, or the owner's exchange student, medical caregiver, or child care provider and there is no remuneration paid to the owner or the owner's representative or agent.
- (e) This ordinance does not apply to the transitory occupancy of a principal dwelling during the temporary absence of the owner and the owner's family so long as there is no remuneration paid to the owner or the owner's representative or agent.

Section 28. Applicability

This is a regulatory ordinance of general applicability established under the township's police power; it is not a zoning ordinance and does not regulate uses by district or zone. The provisions of this ordinance shall apply to all persons who own or occupy real property within the township, regardless of whether the regulated or prohibited activity commenced before or after the effective date of this ordinance.

Section 29. Severability

In the event that any clause or section of this ordinance shall be found invalid or unenforceable by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of the remaining provisions hereof, which shall continue in force as written as if the invalid or unenforceable clause or section had not been included.

Section 30. Inconsistent or Conflicting Ordinances

Any conflicting provision of any other Hamlin Township ordinance is hereby superseded, and the terms of this ordinance shall control over the terms of any inconsistent ordinance on the subject of short-term rentals and the regulation and licensing thereof.

Section 31. Words and Phrases

The use of any singular word or phrase in this ordinance shall include the plural, and the use of any plural word or phrase in this ordinance shall include the singular. Captions of sections in this ordinance are included for convenience only and shall not be used to limit, broaden, or qualify the text.

Section 32. Transitional Schedule

(a) Any short-term rental license which was issued under the provisions of Article 28 of the Hamlin Township Zoning Ordinance, Ordinance No. 45, and which exists on the effective date of this ordinance (an “Old License”) shall remain valid and shall keep its original expiration date of December 31, 2024, December 31, 2025, or December 31, 2026, as assigned by the township at the time it was issued.

(b) Any Old License may be renewed according to this ordinance upon its expiration so long as the same natural person continues to hold said Old License and qualifies to hold a short-term rental license under the terms of this ordinance.

(c) No Old License in excess of the two licenses allowed per licensee under this ordinance may be transferred to a licensee’s spouse, child, parent, or grandchild under Section 19(a)(i) of this ordinance, and any Old License in excess of the two licenses allowed per licensee under this ordinance shall terminate and irrevocably lapse (i) upon the licensee’s death, or (ii) upon the sale or transfer of the real property where the dwelling unit described in the Old License is situated, irrespective of any familial relationship between the licensee and the buyer or transferee.

(d) Any former waiting list or prior list of persons who sought to obtain short-term rental license(s) under Article 28 of the Hamlin Township Zoning Ordinance, Ordinance No. 45, is hereby annulled. No names of persons who sought to obtain short-term rental license(s) under Article 28 of the Hamlin Township Zoning Ordinance, Ordinance No. 45, shall be carried over or continued from any previous waiting list. Any person who desires to be enrolled on the Waiting List created hereunder must submit an Application and Application Fee in accordance with this ordinance.

Section 33. Effective Date

This ordinance shall take effect thirty (30) days after publication of the ordinance or a summary thereof in a newspaper of general circulation within the township.

AYES: Vandervest, Lewis, Ptaszenski, Gurzynski, Key

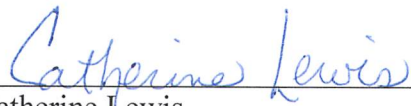
NAYS: None

CERTIFICATION BY TOWNSHIP CLERK

I, **Catherine Lewis**, Clerk of Hamlin Township, Mason County, Michigan, hereby certify that the foregoing ordinance was duly adopted by the Hamlin Township Board of Trustees at a regular meeting held on the 31st day of July, 2024, at the Hamlin Township Hall, 3775 N. Jebavy Drive, Ludington, Michigan 49431, and that the votes cast for and against said ordinance were as follows:

AYES: Vandervest, Lewis, Ptaszenski, Gurzynski, Key

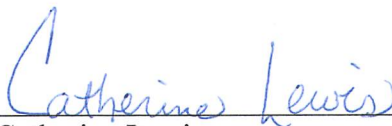
NAYS: None



Catherine Lewis
Hamlin Township Clerk

PROOF OF PUBLICATION

I, **Catherine Lewis**, Clerk of Hamlin Township, Mason County, Michigan, hereby certify that a summary of the foregoing ordinance was duly published in *The Ludington Daily News*, a newspaper of general circulation within the township, according to the provisions of Michigan law, on the 8th day of August, 2024.



Catherine Lewis
Hamlin Township Clerk

Effective Date: September 7, 2024