

ARTICLE 28

SHORT TERM RENTAL

28.01 REGISTRATION

A limit of fifty (50) Short Term Rental registrations will be accepted in Hamlin Township on a first come first served basis.

No person shall rent or cause to be rented a short term dwelling unit or efficiency dwelling unit within the township for a period less than thirty (30) days without registering with the Township Zoning Administrator pursuant to the requirements of this Ordinance. The registration shall be valid for a period of three (3) years from the date of the approval.

Upon approval of registration, the township will provide to neighbors within 300 feet of the dwelling unit a Notification of Short-Term Rental to Neighboring Property Owner Form, displayed in Exhibit 1 following this Article 28.

The Owner shall provide and certify as true the following on a form provided by the Township:

1. Name, address, and telephone number of the Owner of the Dwelling unit to be used as a Short-Term Rental (if the Owner does not reside within 45 miles of the Single-Family Dwelling, the Owner shall also name a local agent). The Owner, a local agent, or the designee of either shall be on site within one hour of being contacted by the Township, Neighbor or Law Enforcement concerning an issue regarding the Short-Term Rental.
2. The address of the Dwelling unit to be used as a Short-Term Rental (plus additional identification as necessary if there is more than one Dwelling unit at the same address).
3. The number of bedrooms in the Dwelling unit to be used as a Short-Term Rental.
4. The number of off-street parking spaces provided for the Dwelling unit to be used as a Short-Term Rental (this information must also be included in the rental agreement).
5. The maximum number of occupants for the Dwelling unit to be used as Short-Term Rental, subject to any applicable local, state, or federal laws, regulations, or ordinances (this information must also be included in the rental agreement and any online or other advertising for the dwelling unit. Short-Term Rentals are also regulated in the Hamlin Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.

28.02

DEFINITIONS

- A. Bedroom: A room used for sleeping which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other local, state or federal requirement.
- B. Efficiency Dwelling Unit: A one-room area with a combined living and sleeping space with a separate bathroom. Additionally, may have a kitchenette area attached to the living area.
- C. Occupancy: The purpose for which a dwelling unit or portion thereof is utilized or occupied.
- D. Occupant: Any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.
- E. Operator or Owner: Any person who owns or has charge, care or control of a dwelling unit which is offered for rent.
- F. Short Term Dwelling Unit: A building or portion of a building providing complete, independent living facilities for one or more persons, including provisions for living, eating, cooking, sanitation and separate bedroom(s) for sleeping. In no event shall an individual room in a dwelling unit be rented to a person, family or other group of persons as short term rental. Nor shall an occupant of a short term rental sublet a portion of a dwelling unit.

28.03

SHORT TERM REGULATIONS

1. Maximum occupancy in a dwelling unit used as a Short-Term Rental shall not exceed two adult occupants per bedroom plus one additional occupant per finished story.
2. In addition to the maximum occupancy specified, a Dwelling unit used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 2.0 times the maximum number of occupants allowed.
3. Short-Term Rentals are also regulated in the Hamlin Township Zoning Ordinance, and nothing in this Ordinance shall be construed as excusing compliance with zoning requirements.
4. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a Dwelling unit used as a Short-Term Rental, unless that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code, and the applicable fire codes.
5. A short term rental registration may not be transferred from one dwelling unit to another dwelling unit.

Information regarding the following shall be posted in the short term dwelling:

- a. Trash receptacle pick-up
- b. Property boundaries
- c. On-site parking
- d. Limitations on day-time visitors per subsection above
- e. Common areas which are available for the renters' use
- f. The Hamlin Township Noise Ordinance, which shall highlight the quiet hours, which extend from generally from 11:30 pm to 8:00 am daily.
- g. All Dwelling units used as Short-Term Rentals must have adequate trash receptacles.
- h. Parking must be in a area that is designed for parking. No on-street parking is allowed.
- i. Tents, RVs, or other types of accommodations meant to be used for overnight use are not allowed.
- j. All pets must always be secured on the premises or on a leash. Pets may not be left unattended on the premises.

28.04 EXCEPTIONS

- 1. Family occupancy. A member of the owner's family, as well as that family member's guests, may occupy premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without remuneration to the owner.
- 2. House sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

28.05 INSPECTIONS AND CONDITIONS

The zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Article 4 Sec. 4.08 of Zoning Ordinance 45, now in effect.

28.06 VIOLATIONS; REVOCATION OF REGISTRATION.

VIOLATIONS

Any violation of a provision of this Ordinance shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other Township ordinances, violations of this Ordinance are subject to the following fines as set by the township's board:

1. Short-term rental of unregistered dwellings
 - a. The operation of an unregistered Short-Term Rental; First violation - \$500.
 - b. The operation of an unregistered Short-Term Rental for each subsequent violation - \$1000.
2. Maximum occupancy
 - a. The exceeding of the maximum occupancy permitted for a Short-Term Rental; First offense - \$500.
 - b. The exceeding of the maximum occupancy permitted for a Short-Term Rental for each subsequent offense - \$1000.
3. Other provisions

Fines for other violations of this Ordinance for first offense - \$500 and each subsequent offense - \$1000.

REVOCATION OF REGISTRATION

1. Offenses warranting revocation. The Township may revoke the rental registration for any Dwelling unit used as a Short-Term Rental which is the site of at least three separate incidents within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the Owner or any renter.
2. Upon a determination by the Zoning Administrator that the Short-Term Rental registration is subject to revocation, the Zoning Administrator shall issue a notice to the Owner that the Township intends to revoke the rental registration. The notice shall inform the Owner of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Township Board and notify the Owner in writing of a time and place for that hearing. At the hearing, the Owner may present evidence that the requirements for revocation provided are not satisfied, or that the Owner should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation the violation resulted from an act of God; or other circumstances that the Owner could not reasonably anticipate and prevent, and could not reasonably control.
3. Revocation Period and Effect. Upon revocation of registration, a Dwelling cannot be re-registered as a Short-Term Rental for a period of one year, and cannot be used for Short-Term Rentals until re-registered.

28.05.1 SHORT TERM RENTAL NOISE ORDINANCE

The Short Term Rental Noise Ordinance, which shall highlight the quiet hours, extends from 11:30 pm to 8 am daily.

The following is considered in violation of this article: playing loud music, boisterous behavior, or the constant bark of dog, as examples, to an audible level which disturbs the quiet, comfort, or repose of the persons in the vicinity.

No person shall ignite, discharge, or use fireworks within Hamlin Township at any time, except during any of the following days and times:

- After 11 a.m. on December 31 and until 1 a.m. on January 1.
- After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday and Monday of the Memorial Day Holiday.
- After 11 a.m. and until 11:45 p.m. on June 29 through July 5. If July 4 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday and Monday of Labor Day Holiday.

HAMLIN TOWNSHIP

Notification of Short-Term Rental to Neighboring Property Owner

Neighboring Property Owner:

This document serves to inform you that property located at:

Street Address: _____

has been registered as a short term rental under Hamlin Township’s Zoning Ordinance 45 Article 28.

As a property near the above address and under the terms of the Short-Term Rental Article 28, you must be supplied a 24-hour contact number for the owner or local agent of the short-term rental. Please familiarize yourself with this ordinance. It can be seen on the township’s website at www.hamlintownship.org or by visiting the township hall for a copy.

While rental property owners seek renters who behave responsibly and according to the township’s ordinances, if an issue ever does occur, please use the following contact information to address the issue. Start with the first contact listed and graduate through the contacts if there is no resolution.

Please understand the property owner or legal agent has two hours from the point of contact to mitigate any issue on-site.

Contact the property owner or local agent at the following 24-hour contacts:

1st Contact Owner /Agent Information:

Name: _____

Phone: _____

Email: _____

2nd Contact Owner/Agent Information;

NAME: _____

PHONE: _____

EMAIL: _____

3rd Contact Mason County Sheriff’s non-emergent line at 231-843-3475.

For any questions regarding this property, please refer to the property owner or local agent contacts. For any questions on the ordinance, please contact the township’s Zoning Administrator at (231) 845-7801 ext. 5.

As always, in cases of emergencies, call 911.

HAMLIN TOWNSHIP
Zoning Administrator
(231) 845-7801.ext.5

SHORT-TERM RENTAL DWELLING REGISTRATION FORM

(Please complete one application for each rental unit.)

Short-Term Rental Dwelling Unit Address: _____

Property Owner: _____

Owner's Address: _____

Owner's Phone: _____

Owner's E-mail: _____

Number of bedrooms: _____

Number of finished floors: _____

Maximum number of adult occupants permitted: _____ (Zoning Administrator is available to assist with this calculation)

Number of off-street parking spaces available on the site: _____

A designated 'Agent' is required if the above identified owner does not reside within 45 miles of the property. The agent is required to live or work within 45 miles of the rental property.

Agent's Name (If other than owner): _____

Agent's Phone: _____

Agent's Address: _____

Agent's E-mail: _____

Please sign the affidavit Included with the Short Term Rental Registration Form

AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 1) All of the information on the attached registration form is true.
- 2) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 3) *I consent to inspections of the dwelling unit by the township and will make the dwelling unit available for inspections upon request.*
- 4) *This registration form is accurate and complete.*

OWNER/AGENT SIGNATURE: _____ **DATE:** _____

By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit. NOTICE: The issuance of a certificate of registration shall in no way impact the zoning of the subject property, and shall not prevent the Township from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code.

Notary: _____ **Date** _____

_____ **County, State of Michigan**