

**LYON TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
SHORT-TERM RENTAL ORDINANCE
ORDINANCE #65**

ADOPTED: _____
EFFECTIVE: _____

At a duly called meeting of the Township Board of Lyon Township, Roscommon County, Michigan, held at Lyon Township Hall on _____ at 7:00pm, Board Member _____ moved to adopt the following ordinance, which motion was supported by Board Member _____.

An Ordinance enacted under 1945 PA 246, as amended, to protect the public health, safety, and general welfare of persons and property in Lyon 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.

Lyon TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

Section 1. Purpose: This Ordinance is intended to protect the public health, safety, and general welfare of persons 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.

Section 2. Applicability: This Ordinance requires any qualified person who desires to 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, with the exception of 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 an adult day care organization, bed and breakfast facility, a hotel, a motel, a motorhome, a

resort, or a tourist home 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 as 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. ***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.
- I. ***Owner.*** Any person or entity holding legal or equitable title to the premises (or portion thereof) used as a Short-Term Rental.
- J. ***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 of time 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 tenant 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.

K. **Special Event.** Outdoor parties, law parties, weddings, family reunions, bachelor/bachelorette parties, receptions or any other events that exceed the maximum number of Occupants allowed.

L. **Township.** Lyon Township.

M. **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.

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.

Section 5. Application:

A. **Responsibility.** The Owner of a proposed Short-Term Rental shall apply for a short-term rental license through the submission of a Short-Term Rental License application.

B. **Eligibility.**

1. Only an Owner shall be permitted to be License Holder under this Ordinance.
2. It is the intent of this Ordinance that no person or entity shall possess more than one Short-Term Rental License at a time, irrespective of whether a License is held by an individual or other entity such as a trust, or corporation. Therefore, the Township shall not issue a License to an individual(s) if that individual(s) already possesses a valid License or if that individual(s) has an ownership interest in an entity that already possesses a valid License. In addition, the Township shall not issue a License to an entity if that entity already possesses a valid License or an individual having an ownership interest in that entity already possesses a valid License.

C. **Required Information.** Applications for a Short-Term Rental License shall contain 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.
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.
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.
 8. Any deed restrictions or use limitations in the subdivision covenants and restrictions or the condominium master deed and/or bylaws applicable to the Short-Term Rental premises.
 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.
 14. Photographs of the Short-Term Rental premises documenting compliance with the Lyon Township Junk and Garbage Ordinance, Ordinance #22.
 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 all residents located on the same private road or shared access easement as the Short-Term Rental premises, if applicable.
 18. Documentation from the Roscommon County Health Department or another qualified inspector acceptable to the Township indicating that the septic system servicing the Short-Term Rental premises is properly functioning, meets the minimum requirements imposed by the Roscommon County Health Department, the Higgins Lake Utilities Authority, and the Lyon Township Sewer Ordinance, as amended, is capable of serving Short-Term Rental's maximum occupancy, and that the holding tank is being pumped on a regular basis.
- D. Issuance or Denial. If an application complies with all the standards and regulations of this Ordinance, and if there are available Licenses, the designated Township Official(s) shall approve a License allowing a Short-Term Rental within fourteen (14) calendar days. 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, 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(s) on that basis. Issuance of a Short-Term Rental License in no way excuses compliance with any other applicable local, state, or federal laws, rules, regulations, codes and licensing requirements,, and all Owners, License Holders, and Local Agents shall be responsible for obtaining all other applicable local, state, and federal licenses, permits, approvals, and licenses.

E. 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 may be approved pursuant to this Ordinance. Such limit shall be consistent with the purposes of this Ordinance as set forth herein.
2. Short-Term Rental Licenses shall be processed and approved on a first come, first serve basis, based on the date and time the application for a Short-Term Rental License is submitted to the Township. Incomplete or denied applications for a Short-Term Rental License shall lose their priority for approval.
3. 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 until an existing License expires or is revoked or voided, thus creating an available License.
4. The Township will develop a policy, which shall be made available to the public, for providing notice of available Short-Term Rental Licenses and for receiving and approving applications for the same once the number of active Short-Term Rental Licenses falls below the maximum limit established by the Township Board. When Short-Term Rental Licenses become available, the Township will circulate a notice within the Township specifying how many Licenses are available and how and when applications may be submitted to the Township.
5. 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 determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a License previously issued.

Section 6. Regulations: All Short-Term Rentals shall at all times comply with the following requirements and conditions. Failure to abide by any of these requirements or conditions may result in the revocation of a License, and may be considered grounds to deny or deny renewal of a License in the future:

- A. 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.

Occupants may have Visitors, provided that the total number of Visitors does not exceed the total number of Occupants. No Short-Term Rental shall be occupied by more than twelve (12) Occupants under any circumstances.

- B. The Owner or Local Agent shall maintain a list of all Occupants and their places of residence, which shall be produced to the Township upon request.
- C. The Short-Term Rental shall not be used for Special Events as defined by this Ordinance.
- D. Motor vehicles, boats, campers, and trailers shall be parked on the Short-Term Rental property and not parked on any public or private road or the adjacent right-of-way.
- E. All pets shall be confined on the property or on a leash at all times. Any pet that causes frequent or long-continued noise shall constitute a violation of the Lyon Township Anti-Noise Ordinance, Ordinance #48, and this Ordinance.
- F. Any fireworks used at a Short-Term Rental must follow Lyon Township Ordinance # 61 – Fireworks.
- G. All Dwellings and Dwelling Units available for Short-Term Rental are subject to the requirements of all Township ordinances, including without limitation the Township Zoning Ordinance. In the event of a conflict between the Ordinance and any other ordinance, the more restrictive regulation shall apply.
- H. No Short-Term Rental may be established on any premises located on a private road or a shared access easement unless the Owner or applicant provides the Township with proof that all residents on the same private road or shared access easement have consented in writing to the premises being used as a Short-Term Rental.
- I. No Short-Term Rental unit shall be located closer than five hundred (500) feet to any other Short-Term Rental unit licensed pursuant to this Ordinance, with the minimum distance measured from the nearest exterior wall of each dwelling. This limitation shall not apply to Short-Term Rentals that lawfully operated to the adoption of this Ordinance, provided that all other requirements of this Ordinance are satisfied, but will apply if a such the License issued to such a Short-Term Rental expires or is terminated or voided and a new License is thereafter sought.
- J. It is the intent of this Ordinance to prohibit Short-Term Rental Licenses from being held for purposes other than accommodating short-term rentals. Therefore, as a condition of maintaining a License, a Short-Term Rental premises must engage in at least one rental per year. If a Short-Term Rental premises does not engage in at least

one rental per year without good cause, the Township may revoke the License pursuant to Section 13.

- K. All septic systems servicing Short-Term Rentals shall be properly functioning and shall meet the minimum requirements imposed by the Roscommon County Health Department, the Higgins Lake Utilities Authority, and the Lyon Township Sewer Ordinance, as amended. As used in this subsection, “properly functioning” may include, but shall not be limited to, written documentation from a commercial septage hauler or licensed inspector that the holding tank is being pumped on a regular basis given the size and use of the holding tank or that at least once every three (3) years the septic tank and/or dry-well has been pumped or that pumping is not required at the time of the examination. The Township Board shall establish, by resolution, a schedule for how often Short-Term Rental License Holders must provide updated documentation of inspection of septic systems to the Township.

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, and 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 shall have a key 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.
- E. A local agent must provide Lyon Township with a list of all properties they manage within Lyon Township.

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 Local Agent and a 24-hour telephone number at which the Local Agent can be reached.
- B. The name of the Owner and a 24-hour telephone number at which the Owner can be reached.
- C. The street address of the Dwelling, in order to assist Occupants and Visitors in directing emergency service personnel in the event of an emergency.

- D. The maximum occupancy of the Dwelling Unit as permitted by this Ordinance.
- E. Notifications and instructions as to parking locations.
- F. A copy of this Ordinance, as may be amended from time to time; and
- G. Notification that an Occupant or Visitor may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provision of this Ordinance.

In addition, the Owner or Local Agent must mail or deliver a copy of this Ordinance, the street address and the maximum occupancy of the Dwelling, and the name and 24-hour telephone numbers of the Owner and the Local Agent to all Immediate Neighbors of the Dwelling.

Section 9. Safety Requirements:

- A. No Dwelling Unit may be located in a basement or attic, unless the Owner can demonstrate compliance with all applicable building, fire, and residential codes.
- B. The address numbers on the Short-Term rental shall comply with the Lyon Township Ordinance # 47 – House Number Display.
- C. A fire escape plan shall be developed 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 first-aid kit shall be provided with each Dwelling Unit and shall be located in a prominent area. The Owner shall be responsible for ensuring this kit is regularly restocked.
- F. A fire extinguisher shall be provided for each stove, oven, or other source of flame. No less than one (1) fire extinguisher shall be provided for each Dwelling Unit. All fire extinguishers shall be housed in a clearly visible location and shall be regularly tested to ensure their operational condition.

Section 10. Renewals:

- A. Except as otherwise provided herein, a License issued under this Ordinance shall

remain in effect for a period of one (1) year from the date it was issued unless it is suspended or revoked by the Township.

- B. A License Holder may apply for a renewed License by submitting a renewal application to the Township no later than thirty (30) days prior to the date that the License is set to expire, along with the License renewal fee established by resolution of the Township Board.
- C. All information submitted with the prior application(s) shall be deemed submitted with the application for renewal. A License Holder shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed with the Township, or when updated documentation regarding septic system inspections and pumping is required to be submitted.
- D. A renewed Short-Term Rental License shall be issued when all of the standards and regulations of this Ordinance are met.
- E. If a Short-Term Rental premises does not meet all the requirements of this Ordinance at the time of renewal, the Township shall promptly notify the License Holder. The License Holder shall have thirty (30) calendar days from the date the notice of a deficiency was sent to cure any deficiencies. If the License Holder cannot demonstrate full compliance with this Ordinance at the end of the cure period, the Short-Term Rental License will not be renewed and will be deemed expired.

Section 11. Duty to Remedy Violations:

- A. *Duty to remedy.* The License Holder and/or Local Agent shall have the duty to remedy any violation of this Ordinance and the Lyon Township Anti-Noise Ordinance, Ordinance #48, by the occupants and visitors of a Short-Term Rental.
- B. *Notification from Township.* For any violation of the above, the Township may (in addition to other remedies) notify the License Holder and/or Local Agent for the Short-Term Rental of such violation by telephone or return receipt email. The License Holder and/or Local Agent shall be deemed to have received notice of the violation upon being contacted by telephone (including a call or text message, if applicable) or when a return receipt email message is received by the Township, whichever is sooner.
- C. *Corrective action.* Upon receiving notice of the violation, the License Holder and/or Local Agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice.
- D. *Failure to remedy.* Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a violation of this Ordinance

and may subject the License issued under this Ordinance to suspension or revocation pursuant to Section 13 of this Ordinance and may subject the License Holder and/or Local Agent to court enforcement proceedings and the penalties under Section 13 of this Ordinance.

Section 12. Transfers:

- A. *Transfers prohibited.* Short-Term Rental Licenses are non-transferable, and a License issued under this Ordinance shall become void upon the attempted transfer of a License or transfer of ownership of the dwelling unit for which the License is issued. In the event of an unauthorized transfer, a new Short-Term Rental license must be obtained by the new owner of the dwelling unit from the Township before short-term rentals may be resumed in the dwelling unit.
- B. *Transfer defined.* As used in this Ordinance, a “transfer” of a Short-Term Rental License shall include the following:
1. Any transfer, sale, change in ownership, or other conveyance of a Short-Term Rental license to a person or entity other than the owner or license holder;
 2. Any transfer, sale, change in ownership, or other conveyance of the Short-Term Rental premises;
 3. Any transfer, sale, change in ownership, or other conveyance of an interest or membership in the corporate entity which is the owner of the Short-Term Rental premises or License; or
 4. Any change in the trustee(s), beneficiary, or beneficiaries of the trust which is the owner of the Short-Term Rental premises or License.

Section 13. Penalties: 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. An Occupant, Visitor, Owner, and Legal 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. This Section shall not be construed as precluding the Township from enforcing this Ordinance in any other manner authorized by law, including without limitation, the commencement of a civil action for injunctive or other relief.

Section 14. Revocation: Upon a determination by the Township’s 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. At the hearing, the Owner shall be permitted the opportunity to demonstrate that the 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. 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 15. 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 16. Effective Date: This Ordinance shall become effective within thirty (30) days of the date of publication of this Ordinance, as provided by law.

Section 17: Repeal: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Roll call vote:

Yeas: _____

Nays: _____

ORDINANCE DECLARED ADOPTED.

Larry Maduri, Township Supervisor

Clerk's Certification

I do hereby certify that Ordinance No. 65 was adopted at the regular meeting of the Lyon Township Board on _____. The ordinance was published once in the Houghton Lake Resorter, a newspaper of general circulation in the Township on _____, and shall take effect _____. Within one week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on _____.

ATTESTED:

Doug Schnell, Lyon Township Clerk

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Higgins Lake, MI 48653

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