

NORWOOD TOWNSHIP
Short-term Rental Licensing Ordinance

Ordinance No. _____ of 2018

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN NORWOOD 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 PENALTIES FOR VIOLATIONS OF THE ORDINANCE

NORWOOD TOWNSHIP HEREBY ORDAINS:

Section 1. Purpose.

This ordinance is intended to protect and promote the health, safety and welfare of all the citizens of Norwood Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the Township. It is also the intent of this section to allow for the purchase and continued ownership, rental, and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment, while protecting the integrity of those residential neighborhoods which were developed with the intent of single-family occupancy.

Section 2. Applicability.

This ordinance applies to residential dwelling units located in Norwood Township and to all persons owning or exercising control over such buildings or premises which in total or in part, are rented for less than 30 days at a time, during the calendar year.

Section 3. Definitions. As used in this ordinance,

“Bedroom” means a room which is intended, arranged, and designed to be occupied by one or more individuals primarily for sleeping purposes, as determined by the Zoning Administrator.

“License holder” means the person who applies for and receives a short-term rental license from Norwood Township. A license holder must be the owner of the dwelling unit where the short-term rental is located.

“Local agent” means the individual designated by the license holder to perform obligations under this ordinance and to serve as the contact person for issues relating to a short-term rental.

“Maximum occupancy” means the maximum number of allowable occupants and the guests of those occupants for a short-term rental, as established in Section 6(b) of this ordinance.

“Occupant” means an individual living in, sleeping in, or otherwise having possession of a short-term rental.

“Owner” means any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Premises” means the land and the improvements on it.

“Preschool-aged children” means children five (5) years of age and under.

“Property” means land, firmly attached structures, and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.

“Short-term rental” means a dwelling unit, or portions thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time.

“Violation notice” means a written notice issued by the Zoning Administrator advising the license holder and/or the local agent of a violation of this ordinance.

Section 4. License required.

An owner of any dwelling unit located within Norwood Township shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 days at a time, unless the owner has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this ordinance.

Section 5. Application for short-term rental license.

- (a) Responsibility. It shall be the responsibility of the owner of a short-term rental to apply for a license through the submission of a short-term rental license application. The application shall be on a form prepared by the Zoning Administrator.
- (b) Application form. A person seeking a license under this ordinance shall submit a complete application to the Zoning Administrator. The application shall include all of the information specified on the short term rental application form and any other information deemed reasonably necessary by the Zoning Administrator to determine whether the short-term rental standards and regulations have been met.
- (c) Application fee. The application shall be accompanied by an application fee as established and set forth in the Township fee schedule.
- (d) Complete application. A short-term rental license application shall not be considered accepted until the Zoning Administrator deems it to be complete. Furthermore, if the applicant fails to provide all the information required by this ordinance and/or fails to pay the required fee, then the application shall be deemed incomplete and may be denied by the Zoning Administrator on that basis.

- (e) License. Once deemed to be complete, if an application complies with all the standards and regulations of this ordinance, the Zoning Administrator shall approve the short-term rental license within seven (7) business days. All short-term rental licenses issued under this ordinance shall be sequentially numbered. All licenses are for one (1) calendar year beginning on the day that the license is obtained from the township. Licenses are to be renewed annually subject to the Zoning Administrator's confirmation of compliance by the license holder with this ordinance.

Section 6. Short-term rental standards and regulations.

In recognition of the unique difficulties presented by short-term rentals, the following standards and regulations shall apply to all short-term rentals in Norwood Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments) and shall not supersede any provisions of the master deed and/or bylaws of a condominium development.

- (a) Occupancy. The maximum occupancy for a short-term rental shall be two (2) persons per bedroom, not including pre-school aged children. In no case may the number of persons occupying a short-term rental, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms.
- (b) Designation of a local agent. If the license holder does not qualify as a local agent, then that license holder shall designate a local agent and shall authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this ordinance. The designated agent must be available to accept telephone calls on a 24-hour basis at all times that the short-term rental is occupied by short-term renters and will have a key to the rental unit and be able to respond the rental within 30 minutes. The address of the property and contact information for the local agent must be posted in a prominent first floor door or window of the rental and copies of the contact information must be given to the immediate neighbors.
- (c) Information. All notification information shall be kept current and up-to-date.
- (d) Parking. Motorized vehicles, recreational vehicles, boats, campers and trailers shall be parked in the driveway of the short-term rental property and shall not be parked along any public or private roadway.
- (e) Waste/recycling disposal. Occupants shall not leave, or allow others to leave, trash, rubbish, refuse, or garbage, except in proper waste or recycling containers for the purpose of waste or recycling collection. No commercial dumpsters shall be allowed on the property containing the short-term rental.
- (f) Rules and regulations to be provided to occupants. The license holder or local agent shall provide all occupants of a short-term rental with the following information prior to occupancy and shall post such information in a conspicuous place within each short-term rental:
 - (1) The name of the license holder or local agent responsible to perform obligations

related to the short-term rental under this ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.

- (2) Notification of the maximum number of overnight occupants permitted in the short-term rental.
- (3) Copies of the current Township Noise Ordinance and State Fireworks laws, being PA 256 of 2011 or other local ordinances of Norwood Township.
- (4) A copy of the rules as stated in Section 6 of this Ordinance.
- (5) Notification that an occupant and/or a guest of an occupant may be cited for a violation of this ordinance, the Township Noise Ordinance, the State Fireworks laws or other local ordinances of Norwood Township, in addition to any other remedies available to the Township.
- (6) Provide notification of property boundaries.
- (7) Quiet hours are from 10:00 p.m. to 9:00 a.m. with exception to the State Fireworks laws.

Section 7. Duty to remedy violations.

The license holder and/or local agent shall have the duty to remedy any violation of this ordinance, the Township Noise Ordinance, and the State Fireworks laws by the occupants of a short-term rental and/or the guests of such occupants. For any violation of the above ordinances, 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 email. Notice provided by telephone or email to a license holder and/or local agent shall be deemed sufficient 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. 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 8 of this ordinance and/or may subject the license holder to court enforcement proceedings and the penalties under Section 9 of this ordinance.

Section 8. Suspension and Revocation of License.

- (a) Violation notice. If the Zoning Administrator has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short-term rental no longer complies with the standards for approval of a new license; and/or the short-term rental is in violation of the regulations in this ordinance, and enforcement under Section 9 of this ordinance is determined by the Zoning Administrator to be ineffective, the Zoning Administrator will prepare a written notice of the violation.
- (b) Service of notice. The written notice, along with the time, date, and place of the hearing

before the Township Board, shall be served on the license holder or local agent either personally, or by registered mail confirming delivery to the license holder and/or local agent's address as well as via email if an email address is available, no less than twenty-one (21) days before the hearing.

- (c) Hearing to suspend or revoke a license. If such a notice to suspend or revoke a license is prepared and served by the Zoning Administrator, the Township Board shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this ordinance should not be suspended or revoked. At the hearing before the Township Board the license holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The license holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder. The Michigan Rules of Evidence do not apply to this hearing or decision made by the Township Board. This hearing is independent of any enforcement action which the Township may take under Section 9 of this ordinance.
- (d) Subsequent violations. After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental license holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Township Board may permanently revoke the short-term rental license.
- (e) Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately. Suspensions/revocations shall be for the following periods:
 - (1) First suspension – one (1) month.
 - (2) Second suspension – three (3) months.
 - (3) Revocation – permanent.

Section 9. Violations and penalties.

- (a) Any person who violates any provision of this ordinance, including the operation of a short-term rental as defined under this ordinance without first obtaining a license, as well as the continued operation of short-term rental after the license for that short-term rental has been suspended or revoked as provided in this ordinance, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this ordinance is violated shall be considered as a separate violation.
- (b) The Zoning Administrator and other persons appointed by the Township Board are hereby designated as the authorized township officials to issue municipal civil infraction

citations directing alleged violators of this ordinance to appear in court.

- (c) A violation of this ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this ordinance.

Section 10. New license required upon transfer of ownership.

A short-term rental license issued under this ordinance shall become void upon the transfer of ownership of the dwelling unit, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit. A new short-term rental license shall then be obtained from the Zoning Administrator pursuant to the requirements and regulations set forth in this ordinance before short-term rentals may be resumed in the dwelling unit.

Section 11. Severability.

If any section, clause, or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 12. Effective date.

This ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township.

Ordinance No. ____ of 2018 was adopted on _____, 2018, by the Norwood Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Dana Pajtas, Clerk

David Ridenour, Supervisor

I certify that this is a true copy of Ordinance No. _____ of 2018 that was adopted at a regular meeting of the Norwood Township Board on _____, 2018 and published in the _____ on _____, 2018.

Dated: _____

Dana Pajtas, Clerk