

**NOTICE OF ORDINANCE ADOPTION
FORSYTH TOWNSHIP
MARQUETTE COUNTY, MICHIGAN**

SHORT-TERM RENTAL ORDINANCE

Ordinance No. 1-2022

At a regular meeting of the Township Board of Forsyth Township, Marquette County, Michigan, held at the Gwinn Community Center on July 28, 2022 at 6:30 p.m., Board Member Trustee Heikkila moved to adopt the following Ordinance, which motion was supported by Board Member Treasurer Kevern.

An Ordinance adopted under 1945 PA 246, as amended, to license and regulate Short-Term Rentals within Forsyth Township to promote the general health, safety, and welfare of Township residents and visitors.

THE TOWNSHIP OF FORSYTH, MARQUETTE COUNTY, ORDAINS:

SECTION 1. PURPOSE

The Forsyth Township Board finds and declares as follows:

- A. Forsyth Township ("Township") wishes to reconcile the many interests and concerns that relate to Short-Term Rentals.
- B. Short-Term Rentals can provide a benefit to the community by expanding the number and type of lodging facilities available near its recreational features and they can assist owners of homes by providing revenue which may be used for maintenance, improvements, and general costs.
- C. However, Short-Term Rentals, if not appropriately regulated and licensed, can impose nuisances on residents and visitors in the Township such as impacts from vehicles (traffic and parking), noise, and welfare issues related to the number of persons staying in a Short-Term Rental.
- D. For the foregoing reasons, the purpose of the following regulations is to create a licensing and regulatory scheme for Short-Term Rentals to authorize such activities within the Township, but likewise to impose safeguards to protect the general health, safety, and welfare of Township residents and visitors including those within authorized Short-Term Rentals.

SECTION 2. APPLICABILITY

This Ordinance applies to all Dwelling Units in Forsyth Township and Owners of those dwellings wherein the dwelling is rented as a Short-Term Rental. No Short-Term Rental may occur in the Township unless they are in conformity with the provisions of this Ordinance.

SECTION 3. DEFINITIONS

- A. **Bedroom:** A separate room that is used or intended to be used specifically for sleeping purposes, in compliance with Marquette County Building Codes.
- B. **Capacity:** Capacity is the number of overnight Occupants permitted in a Short-Term Rental under this Ordinance and as listed on the Rental Certificate issued by Forsyth Township.
- C. **Rental Certificate:** A Short-Term Rental Certificate duly issued by Forsyth Township demonstrating authorization of a Short-Term Rental.
- D. **Dwelling Unit:** As defined by the Zoning Ordinance of Forsyth Township, Article III-8.
- E. **Local Contact Person:** A local property manager, owner, agent, or caretaker of the Short-Term Rental, who is available to respond to rental and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Ordinance and/or complaints.
- F. **Marquette County Building Codes.** Reference to the Marquette County Building Codes shall include all codes used by Marquette County, to include, but not limited to, the Michigan Residential Building Code, the Marquette County Health Code, the International Building code, the International Fire code, the International Private Sewage Disposal Code, the International Property Maintenance Code, and the National Fire Protection Association Code.
- G. **Occupant:** Any person who is an overnight guest in the Short-Term Rental, including the renter.
- H. **Owner:** Any person or entity holding legal or equitable title to the premises (or portion thereof) used as a Short-Term Rental.
- I. **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. A Short-Term Rental shall not be considered or construed to be a multiple occupancy dwelling (e.g., a rented apartment or duplex), motel, hotel, boarding or rooming house.

SECTION 4. SHORT-TERM RENTAL OWNER REQUIREMENTS

A Rental Certificate is required prior to the rental of any Short-Term Rental.

A. **Rental Certificate Issuance:** A Rental Certificate issued by the Township shall be valid for a period of one (1) year unless revoked by the Township or unless there is a change in the ownership of a short-term rental.

1. A Rental Certificate may be issued after review and receipt of a complete and approved application.
2. The Rental Certificate shall indicate the maximum number of Occupants that can be accommodated at the rental in accordance with the standards listed in this Ordinance and the Marquette County Building Codes.
3. A Rental Certificate and Rental Certificate holder shall be subject to all of the standards and penalties of this Ordinance.
4. It is the Rental Certificate holder's responsibility to inform the Township of any change in caretaker or contact information for the Rental Certificate holder or caretaker.
5. The number of Bedrooms shall be certified by the applicant, based on the definitions found in this Ordinance.
6. Local Contact Person.
 - a. Each Owner of a Short-Term Rental must designate a Local Contact Person who has access and authority to assume management of the unit and take remedial measures to address any violations of this Ordinance.
 - b. The Local Contact Person must be available twenty-four (24) hours a day during any rental period of a Short-Term Rental.
 - c. An Owner may designate themselves as the Local Contact Person.
7. Waste. Unless connected to a public sewer system, the owner of the property hosting the Short-Term Rental shall ensure that a properly sized and functioning septic system is maintained, in accordance with the Marquette County Building Codes.

B. **Application:** An application provided to the Township for a Rental Certificate shall include the following:

1. Address of property.
2. Property owner name(s).
3. Signature of property owner(s) and Local Contact Person.
4. Number of Bedrooms in the Short-Term Rental and the Capacity of the Short-Term Rental as defined by this Ordinance.
5. Sketch of the property indicating location of the dwelling, driveway or other point of access. Such sketch shall also include a sketch of the Short-Term Rental's floorplan including drawings of intended Bedrooms.

6. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the Local Contact Person.
 7. Evidence that the applicant owns the property to be used as a Short-Term Rental and the property can be used for such purposes (such as a deed, a land contract, or lease) or that such an applicant has permission from an owner of the property to operate a Short-Term Rental.
 8. Any additional information reasonably required by the Township to determine whether to grant a Rental Certificate.
- C. **Rental Certificate (Capacity):** A Rental Certificate issued by the Township shall indicate the maximum number of renters or overnight Occupants or otherwise the Short-Term Rental's approved Capacity.
- D. **Review and Application Form:** Applications under this Ordinance will be reviewed by anyone designated by the Township Board to review such applications. Such persons are authorized to develop application and renewal application forms that applicants must use to submit an application for a Rental Certificate.
- E. **Application Fee:** Currently, the initial application fee for a Rental Certificate is \$500.00 per Short-Term Rental and \$250.00 each renewal year. The initial application fee and renewal fee for a Rental Certificate may be changed from time to time by resolution of the Township Board.
- F. **Incomplete Applications:** The Township will not review any portion of an incomplete application for a Rental Certificate.
- G. **Renewal:** Holders of Rental Certificates must renew such certificates yearly after expiration to continue use of a Short-Term Rental by submitting a new application form including the required renewal fee.
- H. **Modification:** Any changes in conditions related to a Short-Term Rental in the Township (e.g., change in Ownership, Capacity, Local Contact Person, etc.) shall be provided to the Township immediately.
- I. **List of Short-Term Rentals:** The Township Board will maintain a list of all Short-Term Rentals certified for each year.

SECTION 5. SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS

- A. **Trash:** Refuse and recyclables shall be stored and fully contained in appropriate containers with tight fitting lids, or bagged and secured in caged enclosures, and shall be timely disposed of.
- B. **Capacity Limit:** A maximum occupant capacity for the property shall be listed on the rental certificate and shall be in accordance with this Ordinance and the Marquette County Building Codes.

- C. **Egress:** Egress shall be provided in compliance with the Marquette County Building Codes.
- D. **Occupants Not Limited to the Short-Term Rental:** Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on a parcel hosting a Short-Term Rental shall not be included in any calculation of Capacity of the Short-Term Rental, but shall be used in accordance with other Township Ordinances, including, but not limited to, the Forsyth Township Zoning Ordinance.
- E. **Noise:** Noise must be limited according to the Forsyth Township Noise Ordinance, as may be amended from time to time.
- F. **Fireworks:** The use of any fireworks shall comply with the Forsyth Township Fireworks Ordinance, as may be amended from time to time; and any other applicable local, state, and federal laws.
- G. **Pets:** Pets shall be secured according to Marquette County, Forsyth Township and Michigan State regulations.
- H. **Campfires:** Any campfires at a Short-Term Rental property shall conform to the Forsyth Township Open Burning Ordinance, as may be amended from time to time.
- I. **Fire Protection Devices:** A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke / carbon monoxide / fire alarms as may be required by the Marquette County Building Codes and/or State law, annually tested and certified by the owner as functional, shall be properly installed and placed in code mandated locations in the Short-Term Rental.
- J. **Notice to Occupants:** The foregoing regulations in this Section 5 shall be provided to the Short-Term Rental Occupants as part of the written Rental Agreement. In addition, a sheet of paper shall be posted in a prominent place in the Short-Term Rental, which shall include all of the following:
 - 1. A description of the foregoing regulations in this Section 5.
 - 2. The Capacity of the Short-Term Rental listed on the Short-Term Rental Certificate issued by the Township.
 - 3. The name and contact information for the Local Contact Person.
 - 4. The location of fire extinguishers.
 - 5. A map showing exits of the Short-Term Rental.
- K. **Compliance with Laws:** At all times, a Short-Term Rental and the Occupants of the Short-Term Rental must comply with all applicable local, state, and federal laws and regulations.
- L. **Parking:** Adequate parking shall be provided for occupants and their guests either on the Short-Term Rental parcel or nearby public parking. Occupants and their guests shall not

park on adjacent private properties nor unreasonably impede the ingress and egress of adjacent private properties.

SECTION 6. SIGNS

All signs shall be in accordance with the Zoning Ordinance of Forsyth Township, as may be amended from time to time.

SECTION 7. VIOLATIONS AND REVOCATION OF RENTAL CERTIFICATE

A. **Violations.** Any of the following will be considered a violation of this Ordinance:

1. Failure to update information with the Township when conditions materially change from an application for a Rental Certificate.
2. Advertising or allowing occupancy in excess of that allowed under the Rental Certificate issued by the Township.
3. Failure of the Rental Certificate holder or his/her designated Local Contact Person to be available at any time during the tenure of an active Short-Term Rental.
4. Providing false or misleading information on the application for a Rental Certificate.
5. Failure to obtain a Rental Certificate when operating a Short-Term Rental.
6. Failure to comply with any of the regulations under Section Five (5).
7. Any violation of the terms of this Ordinance.

B. **Penalties; Civil Infractions.** Any person who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a civil penalty for each violation of this Ordinance, as well as the Township's fees and costs in enforcing the Ordinance. Each day that a violation continues to exist shall be considered a separate violation. An Occupant, visitor, owner, Local Contact Person, and any other relevant party may all be fined for the same violation, if deemed appropriate by the Township. In addition, violation of this Ordinance may be grounds for revocation of a Rental Certificate. The civil penalties for violating this Ordinance shall be as follows:

1. One hundred dollars (\$100.00) for the first violation within a one-year period.
2. Two hundred and fifty dollars (\$250.00) for the second violation within a one-year period.
3. Five hundred dollars (\$500.00) for the third and any subsequent violations within a one-year period.

C. **Remedies Not Limited.** This Section 7 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 relief.

D. **Revocation.** Upon a determination by any individual designated by the Township that a Short-Term Rental has had three (3) or more separate violations on the same property

under the same ownership within a one-year period, he or she may issue a notice to the Owner that their Rental Certificate has been revoked. Such notice shall also inform the Owner of his or her right to appeal such revocation, by requesting a hearing before the Township Board to show cause as to why the Rental Certificate should be reinstated. An application for such an appeals hearing must be made by the Owner in writing to the Township within 14 days of the date on the notice or is barred; unless good cause is shown for any delay. At the hearing, the Owner of a Short-Term Rental shall be permitted the opportunity to offer evidence and testimony supporting why the Township Board should reinstate a Rental Certificate. 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 8. ENFORCEMENT OFFICIAL

The Township Ordinance Enforcement Officer, Township Supervisor, any law enforcement officer, or any person officially authorized by the Forsyth Township Board are hereby designated as authorized officials empowered to enforce this Ordinance including the issuance of municipal civil infraction citations.

SECTION 9. ENFORCEMENT PROCEDURE

- A. When the Township becomes aware of a violation of this Ordinance, the Township may (but is not required to) send a written notice to the Owner and/or Local Contact Person of the property in violation. The notice shall describe the location of the property, describe the nature of the violation and the specific provisions of this Ordinance being violated, and may give the Owner of the Short-Term Rental a time period to eliminate the violation without intervention by the Township.
- B. In its discretion, the Township may immediately proceed with penalties under Section 7 of this Ordinance and/or with legal action to abate violations of this Ordinance (e.g., issuance of a municipal civil infraction), if deemed necessary.

SECTION 10. INSPECTIONS

The Township reserves the right to conduct lawful periodic inspections of a Short-Term Rental with or without prior notice, to ensure compliance with these regulations. By submitting a Short-Term Rental application to the Township, the Owner is providing the Township with the legal right to access the proposed Short-Term Rental property for such inspections. The Township's right of access shall terminate when the Short-Term Rental certificate terminates, either by date or revocation.

SECTION 11. NOTICE TO ADJACENT PROPERTY OWNERS

The Township shall notify adjacent property owners within 300 feet of the parcel containing the Short-Term Rental unit, that a permit for a Short-Term Rental has been issued.

SECTION 12. SEVERABILITY

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 13. EFFECTIVE DATE

Section 7 of this Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper. The remainder of this Ordinance shall take effect immediately following publication.

SECTION 14. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

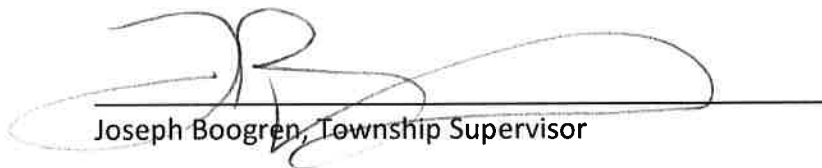
ROLL CALL VOTE

YEAS: Trustee Heikkila, Trustee Bodenus, Treasurer Kevern

NAYS: None

ABSENT: Clerk Lauren, Supervisor Boogren

ORDINANCE DECLARED ADOPTED.



Joseph Boogren, Township Supervisor

02 AUG 2022
Date

CERTIFICATION

I, Ronald Lauren, Clerk of Forsyth Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 1-2022, adopted by the Forsyth Township Board on July 28, 2022. A summary of the Ordinance was duly published in The Mining Journal, a newspaper that circulates within Forsyth Township. Within seven days after such publication, I recorded the Ordinance in a book of Ordinances kept by Forsyth Township 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.

Attested:



Ronald Lauren, Township Clerk

FORSYTH TOWNSHIP, MARQUETTE COUNTY

**NOTICE OF ADOPTION
SHORT – TERM RENTAL ORDINANCE**

Please take notice that on July 28, 2022 the Forsyth Township Board adopted Ordinance No. 1-2022, which regulates Short-Term Rentals within Forsyth Township.

Ordinance No. 1-2022 has the following sections and catch lines: Section 1. Purpose; Section 2. Applicability; Section 3. Definitions; Section 4. Short-Term Rental Owner Requirements; Section 5. Short –Term Rental Regulations Pertaining to Occupants; Section 6. Signs; Section 7. Violations and Revocation of Rental Certificate; Section 8. Enforcement Official; Section 9. Enforcement Procedure; Section 10. Inspections; Section 11. Notice to Adjacent Property Owners; Section 12. Severability; Section 13. Effective Date; Section 14. Repeal.

A copy of the Ordinance is available for inspection at 186 West Flint Street, Gwinn, MI 49841. Additional copies of the Ordinance may be obtained by request from the Township Clerk.

Published by order of the Forsyth Township Board

Ron Lauren, Township Clerk

Phone: (906) 346-9217

Publication Date: Aug 3rd, 2022