

**WATERLOO TOWNSHIP, JACKSON COUNTY, MICHIGAN
SHORT-TERM RENTAL ORDINANCE**

Ordinance No. O-21-11-23-1
Adopted: November 23, 2021
Effective: March 25, 2022

At a duly called meeting of the Township Board of Waterloo Township, Jackson County, Michigan, held at the Waterloo Township Hall on November 23, 2021 at 7:00 p.m., Board Member Douglas Lance moved to adopt the following Ordinance, which motion was supported by Board Member Josh McAlister.

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

THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. PURPOSE.

The Waterloo Township Board finds and declares as follows:

- A. Waterloo Township ("Township") wishes to reconcile the many interests and concerns that relate to Short-Term Rentals.
- B. Short-Term Rentals can provide a community, and even a state-wide benefit, 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 upgrades, and deferred 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 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.

- A. This Ordinance applies to all Dwelling Units in Waterloo 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 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, having a door for ingress and egress and a Code approved egress window. A Bedroom must be a habitable space of not less than seventy (70) square feet of floor area for single habitation and 50 additional square feet for each additional person, not less than seven (7) feet in one dimension, including height, not located in an attic or basement without egress, meeting all standards in applicable building, residential, and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, or family rooms and living rooms.
- 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 Waterloo Township.
- C. **Rental Certificate:** A Short-Term Rental Certificate duly issued by Waterloo Township demonstrating authorization of a Short-Term Rental.
- D. **Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one household for living, cooking, and sleeping purposes.
- E. **Parking Space:** For purposes of this Ordinance, a Parking Space shall be a minimum of 9 feet by 20 feet, located off-street, outside of a road right of way, and in one of the following locations:
 - a. in a garage or carport; or
 - b. within a paved or gravel driveway; or
 - c. within a paved or gravel parking pad
- F. **Local Contact Person:** A local property manager, owner, agent, or caretaker of the owner of a 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.
- G. **Occupant:** Any person who is an overnight guest in the Short-Term Rental, including the renter, and does not include guests of the Occupant or renter who are visiting between the hours of 7:00 am and 11:00 pm.
- H. **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.
- I. **Special Events:** In association with a Short-Term Rental, a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity that exceeds the maximum number of Occupants allowed under a Rental Certificate.

SECTION 4. SHORT-TERM RENTAL OWNER REQUIREMENTS.

Rental Certificate Required: 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 if an ownership interest change occurs related to the real property hosting a Short-Term Rental.

1. A Rental Certificate will 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 (see Ordinance definition of Capacity).
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 as certified by the applicant, based on the definitions found in 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 and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short-Term Rental.
 - c. An owner meeting the requirements of the above mentioned may designate themselves as the Local Contact Person.
 - d. The Local Contact Person's name, contact number, and Rental Certificate number shall be posted outside on a prominent place of the Short-Term Rental.
7. **Rental Certificate Number:** The unique Short-Term Rental Certificate number issued by the Township shall be included in any advertisement for the rental unit as shall the approved Capacity of the Short-Term Rental as authorized by this Ordinance.
8. **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. Failure or operational deficiency of the of the sewage waste disposal system shall be grounds for immediate revocation of the Rental Certificate authorizing the Short-Term Rental. A Short-Term Rental may not utilize Porta-Johns and similar methods of handling waste.

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

1. Address of property; and
 2. Property owner name(s); and
 3. Signature of property owner(s) and Local Contact Person; and
 4. Number of Bedrooms in the Short-Term Rental and the Capacity of the Short-Term Rental as defined by this Ordinance; and
 5. Number of Parking Spaces as outlined in this Ordinance; and
 6. Sketch of the property indicating location of the dwelling, driveway or other point of access, and designated Parking Spaces meeting the definition of a Parking Space under this Ordinance. Such sketch shall also include a sketch of the Short-Term Rental's floorplan including drawings of intended Bedrooms; and
 7. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the Local Contact Person; and
 8. Evidence that an 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 or lease) or that such an applicant has permission from an owner of the property to operate a Short-Term Rental; and
 9. 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. **Limits on Short-Term Rentals:** A parcel may only host one Short-Term Rental.
- E. **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.
- F. **Application Fee:** An application fee for a Rental Certificate may be established from time to time by resolution of the Township Board.
- G. **Incomplete Applications:** The Township will not review any portion of an incomplete application for a Rental Certificate.
- H. **Renewal:** Holders of Rental Certificates must renew such certificates after expiration to continue use of a Short-Term Rental by submitting a new application form including the required application fee.
- I. **Modification:** Should a holder of a Rental Certificate change any conditions related to a Short-Term Rental in the Township (e.g., changed Capacity, parking, Local Contact Person, etc...), the holder must report such changes to the Township and demonstrate that the changes comply with this Ordinance to continue to hold such permit.

SECTION 5. SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS.

- A. **Parking:** Parking for guests in a Short-Term Rental shall only be in identified Parking Spaces as defined in this Ordinance and submitted on an application to the Township. All parking associated with a Short-Term Rental shall be out of the roadway and entirely on-site (.e.g, in a garage, on a driveway or on other improved parking area). No on-street parking shall be permitted by renter Occupants or included in any calculation of rental capacities in association with a Short-Term Rental.
- B. **Trash:** Refuse and recyclables shall be stored in appropriate containers with tight fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.
- C. **Special Events:** A Short-Term Rental may not be used for special events such as: a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity, if such Special Event will exceed the Capacity of the Short-Term Rental or otherwise violate this Ordinance.
- D. **Capacity Limit:** The maximum number of overnight Occupants shall be limited as follows: For a Short-Term Rental having one Bedroom, the maximum number of Occupants is four persons. For any Short-Term Rental with two or more Bedrooms, the maximum number of Occupants shall be determined by multiplying the number three (3) times the number of Bedrooms. Note: A maximum of four (4) children under the age of thirteen (13) years shall not be counted in the capacity limit of the Short-Term Rental.
- E. **Egress:** No overnight Occupant shall be lodged in any portion of a Short-Term Rental (including Bedrooms) unless there is both a door and an available window providing required emergency egress in conformity with applicable residential, building and fire codes within the immediate sleeping area.
- F. **Occupants 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. All overnight lodging of Occupants is to be exclusively within the Short-Term Rental. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the property of a Short-Term Rental shall not be used in any manner for overnight occupancy unless expressly permitted by state law or other Township Ordinance.
- G. **Noise:** Noise must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 8:00 AM. Quiet hours relates to any noise that would prevent sleep within neighboring properties.
- H. **Fireworks:** Fireworks activity shall be governed by State of Michigan law.
- I. **Pets:** Pets shall be secured on the premises or on a leash at all times.
- J. **Campfires:** Any campfires at a Short-Term Rental property shall conform to the Waterloo Township Outdoor and Open Burning Ordinance #09-12-15-2 (12-15-2009). In addition, the following standards also apply:

1. Be contained within a fire ring or other comparable container and only burn clean dry wood; and
 2. Be located no less than 10 feet from any structure or any combustible material, be located away from overhanging tree branches, and be located such that the prevailing winds will minimize smoke to adjacent residences; and
 3. Be under the direct supervision of an adult at all times; and
 4. Be fully extinguished prior to leaving the fire.
- K. **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 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.
- L. **Notice to Occupants:** The foregoing regulations shall be provided to the Short-Term Rental Occupants as part of a written rental agreement. In addition, a placard shall be posted in a prominent place in the Short-Term Rental describing the foregoing regulations, including, but not limited to, the Capacity of the Short-Term Rental, the name and contact information for the Local Contact Person, and the location of fire extinguishers, and map showing exits of the Short-Term Rental.
- M. **Compliance:** At all times a Short-Term Rental and Occupants of a Short-Term Rental must comply with all applicable local, state, and federal laws and regulations.

SECTION 6 - SIGNS.

A Short-Term Rental is permitted an on-site identification sign no larger than two (2) square feet in area.

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 change from an application for a Rental Certificate; and
 2. Advertising or allowing occupancy in excess of that allowed under the Rental Certificate issued by the Township; and
 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; and
 4. Providing false or misleading information on the application for a Rental Certificate; and
 5. Failure to obtain a Rental Certificate when operating a Short-Term Rental; and
 6. Failure to comply with any of the regulations under Section Five (5); and
 7. Any violation of the terms of this Ordinance.

- B. **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, 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. 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 including misdemeanor prosecution to the extent authorized by law.
- C. **Revocation.** Upon a determination by any individual designated by the Township that a Short-Term Rental has had two or more separate violations on the same property under the same ownership within any single calendar year, he or she may issue a notice to the property owner that their Rental Certificate 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 Rental Certificate should be reinstated. An application for such a hearing must be made within 14 days of the notice being served. 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 Waterloo 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 send a written notice to the property 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.
- C. In its discretion, the Township may immediately proceed with necessary 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.

SECTION 11. - VALIDITY.

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 12. - EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.

SECTION 13. - REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.


ROLL CALL VOTE

YEAS: Lance, Morency, McAlister, Walz, Kitley

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED



Douglas Lance, Waterloo Township Supervisor

11/23/21

Date

CERTIFICATION

I, Janice Kitley, Clerk of Waterloo Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 21-11-23-1, adopted by the Waterloo Township Board on the 11-23-21, 2021. A summary of the Ordinance was duly published in the Stockbridge newspaper, a newspaper that circulates within Waterloo Township, on Jan 25, 2021. Within seven days after such publication, I recorded the 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 Ordinance with the Jackson County Clerk on 12-21, 2021.

Attested:



Janice Kitley, Waterloo Township Clerk

WATERLOO TOWNSHIP
JACKSON COUNTY, MICHIGAN
SHORT-TERM RENTAL ORDINANCE
NOTICE OF ADOPTION

At a meeting of the Township Board of Waterloo Township, Jackson County, Michigan, held at the Waterloo Township Hall on November 23 2021, at 7:00 p.m., the Township Board adopted Ordinance No. O-21-11-23-1 also known as the Waterloo Township Short-Term Rental Ordinance, to provide for the licensing and regulation of Short-Term Rentals, procedures for the suspension and revocation of Rental Certificates, and for enforcement and civil penalties for violations of the Ordinance. Copies of the complete text of the Ordinance were posted at the Waterloo Township Hall, 9773 Mt. Hope Road, Munith, MI 49259.

The Ordinance 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: Validity; Section 12: Effective Date, which is thirty days after publication of this notice; and Section 13: Repeal.

Published by Order of the Township Board
Waterloo Township, Jackson County, Michigan
Janice Kitley, Township Clerk
517-596-8200

Publication Date: January 25, 2022