

# SHORT TERM RENTAL ORDINANCE

The Township of Haynes, County of Alcona, State of Michigan

**ORDAINS:**

ORDINANCE NO.: \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

AN ORDINANCE to provide for and regulate the rental of dwellings for purpose of such durations and under circumstances intended for or conducive to vacation, resort or other short term purposes; to provide for the process of permitting such uses, and as well the administration and enforcement of the provisions hereof.

***Haynes Township Hereby Ordains:***

**Section 1: PURPOSE**

Haynes Township has determined that the Short Term Rental of dwellings within the Township is a matter closely connected with the public health, safety and general welfare of the community. This Ordinance is intended to make permissible Short Term Rental activity. The Township believes that Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and by assisting owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs. The transitory nature of occupants of Short Term Rentals makes continued enforcement against occupants difficult. This Ordinance is intended to strike an appropriate balance between the interests of community residents, visitors to the community and real property owners wishing to engage in Short Term Rental of dwellings. The regulations set forth herein are intended to ensure compatibility with other permitted uses and the residential character of the neighborhoods in which Short Term Rentals are located. Short Term Rentals shall be permitted in all of Haynes Township Zoning Districts.

## **Section 2: DEFINITIONS**

*Short Term Rental:* Providing use or occupancy of a dwelling, or similar structure that furnishes transient or similar short-term lodging accommodation for compensation for a period of thirty (30) consecutive days or less and which is unoccupied by the owner when such accommodations are furnished.

*Agent:* A person, firm or agency representing the Owner or Operator of the property (or portion thereof) used for a Short Term Rental.

*Dwelling Unit:* Any building or structure or part thereof which has sleeping, living, cooking and sanitary facilities which can accommodate one or more persons. In no case shall travel trailers, truck or truck campers, buses, motor homes, tents or other such portable structures be considered a dwelling unit. A dwelling unit must be a minimum of 650 sq. ft. This definition does not include lawfully operating hotels, motels, bed and breakfasts, boarding houses, resorts or campgrounds.

*Permit:* A Short Term Rental Permit issued by the Township to the Owner, Operator or Agent for a parcel used as a Short Term Rental.

*Local Contact Person:* A local Owner, Agent or Operator who is available to be onsite or respond within one hour to tenant, neighborhood, Township Official or law enforcement officer for questions or concerns and be authorized by the Owner to take immediate remedial action and respond to any violation of this Ordinance.

*Occupant:* Any individual living or sleeping in a dwelling unit or having possession of a space within a dwelling unit. "Occupant" does not include guests visiting a dwelling unit between the hours of 8:00 a.m. and 11:59 p.m.

*Operator:* The person who is the proprietor of a property (or portion thereof) used for a Short Term Rental whether in the capacity of Owner, lessee, mortgagee in possession, licensee or any other capacity.

*Owner:* The person or entity that holds legal or equitable title to the parcel (or portion thereof) used as a Short Term Rental.

### **Section 3: SHORT TERM RENTAL REGULATIONS**

- A. *Short Term Rental Permit.* A separate Short Term Rental Permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership. The applicant shall show proof of permits obtained from the Alcona County Health Department for well, septic and drainfield. A copy may be available, or obtained, from the Alcona County Health Department, or, a Statement of Compliance from the Alcona County Health Department of same. There is a fee for a Statement of Compliance. Contact the Health Department for a fee schedule and information.
- B. *Number of Dwelling Units.* Only one (1) dwelling unit per parcel shall be leased, subleased, rented, or sub-rented as a Short Term Rental at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper or tent. No recreational vehicles, campers, tents or any temporary dwelling unit on vacant land shall be rented as a Short Term Rental.
- C. *Allowed Number of Weeks.* A dwelling may not be occupied as a Short Term Rental for more than twenty-six (26) weeks in a calendar year.
- D. *Allowed Number of Short Term Rental Permits.* Short Term Rental permits shall be limited to fifteen (15) total permits within the zoning districts allowing residential or resort uses in the Haynes Township Zoning Ordinance. The Township Board *may*, by resolution, increase or decrease the total number of permits allowed. A Short Term Rental Permit shall be issued by calendar year. All Short Term Rental Permits shall expire at the end of the calendar year and must be renewed each year. Updated photographs are required for each renewal application. Qualifying permits shall be issued in the order in which they are received.
- E. *Permit Limit by Owner.* No more than two (2) permits may be issued to one owner of Short Term Rental units in Haynes Township. For purposes hereof, "owner" shall include any individual, corporation, limited liability company, trust, or other entity, as well as any such entity in and to which such owner individual or entity owns, controls or possesses any percentage of ownership equity, or managerial discretion in such entity.
- F. *Exterior.* All exterior premises shall be kept free from any accumulation of junk or garbage. Fines will be issued for each incident of the accumulation of junk or garbage. Each day this occurs shall be considered a separate violation.

G. *Trash*. Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin. Trash receptacles shall be screened from view of adjacent properties and the public or private road. Screening shall consist of either fencing or a landscaped buffer. The trash receptacles shall not be permanently placed adjacent to the road but may be placed there on trash pickup day.

H. *Nuisance*. Activities on a Short Term Rental property shall not constitute a nuisance, or, an unreasonable interference to the use and enjoyment of the neighboring properties, whether by reason of noise, dust, odor, fumes, glare, lighting, vibrations, trespass, or otherwise.

I. *Parking*. All parking of vehicles, boats and trailers associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area and still allow sufficient access for emergency vehicles.

J. *Number of Occupants*. The number of occupants in a dwelling unit during any Short Term Rental occupancy shall not exceed the lesser of:

- Twelve (12) total occupants, subject to any applicable local, state or federal laws, regulations or ordinances. The occupancy of any Short Term Rental served by a septic tank rather than a public sanitary sewer system shall not exceed any limitations established by the Alcona County Health Department; or
- Two (2) occupants per bedroom plus one (1) additional occupant per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

\* Children and infants are included as occupants subject to this limit.

\* Every bedroom shall contain a window meeting current fire code and/or building code standards for ingress and egress in an emergency. No bedroom shall be in a basement unless the basement contains a doorway open to the outside or contains a window meeting ingress and egress emergency standards.

- K. *Smoke Detectors, Carbon Monoxide Devices and Fire Extinguishers.* The owner or local agent of a dwelling unit used for Short Term Rentals shall install and maintain an operational smoke detector in each bedroom and test such smoke detectors every thirty (30) days to ensure that they are properly functioning. In addition, the owner or local agent shall install at least one (1) operational approved carbon monoxide device on each floor and test such devices at least every thirty (30) days to ensure that they are operational. A properly charged fire extinguisher rated as ABC shall be placed on each story of the structure and signage placed indicating the location of each fire extinguisher. Fire extinguishers must be inspected after each tenant rental to be sure it is fully charged.
- L. *Events.* Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- M. *Pets.* Pets, if permitted by the owner, shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, bark, yelp or howl for a period of ten (10) minutes or longer.
- N. *Noise.* Noise during quiet hours must be limited to that which does not unreasonably disturb the quiet or comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 p.m. to 8:00 a.m. each day of the week.
- O. *Fires.* No person shall start or maintain a fire except within provided devices or established firepit. Fires shall not be left unattended and must be fully extinguished. Only locally sourced seasoned wood may be burned.
- P. *Fireworks.* The Owner/Operator shall allow or shall not allow the use of any type of fireworks and post such notice in a visible location inside the Short Term Rental property.
- Q. *Street Address Posted Within the Dwelling Unit.* The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- R. *Liability Insurance.* The owner of a Short Term Rental shall sufficiently insure the property as a Commercially Rented Property with liability coverage of at least \$1,000,000.00, per occurrence, during all times the owner's dwelling is used as a Short Term Rental.

S. *Posting of Notifications and Ordinance.* The owner shall provide the occupant with the following information prior to occupancy and post such information in a conspicuous location within the dwelling:

1. The name of the contact person and a telephone number at which the contact person may be reached during occupancy.
2. Notification of the Maximum Occupancy permitted in the dwelling.
3. Notification and instructions as to the parking location.
4. A copy of this Ordinance, as may be amended from time to time.
5. Notification that an occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provision of this Ordinance.
6. The location of the fire extinguisher on each story of the structure.

#### **Section 4: LOCAL AGENT**

- A. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take immediate remedial measures.
- B. The local agent must be available twenty-four (24) hours a day during the rental period and be within one (1) hour travel time of the property (or portion thereof) used for a Short Term Rental.
- C. The local agent must have a key or code to access the Short Term Rental property.
- D. The Township may, upon request, provide the contact information of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries at the time of the issuance of the Short Term Rental Permit.
- E. An Owner meeting the requirements of subsections (A) and (B) above may designate themselves as the local agent.
- F. The owner shall notify the Township immediately of any changes in ownership or in the local agent.

**Section 5: INSPECTIONS**

Site Inspection. The owner or agent shall allow an annual inspection by a Township Official to ensure compliance with this Ordinance.

**Section 6: OWNER RESPONSIBILITY**

- A. The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.
- B. The owner shall be responsible for any damage caused by fires or trespassing.
- C. Property lines shall be clearly identified, posted and otherwise demarcated so as to notify Short Term Renters of the property boundaries beyond which they are not to transgress or otherwise unreasonably interfere with the rights of adjacent property owners.
- D. The owner and local agent shall ensure that the maximum occupancy, per this Ordinance, of the Short Term Rental is stated correctly in all advertising media. Misrepresentations of the occupancy shall be considered a violation of this Ordinance.

**Section 7: PERMITS**

- A. Each Short Term Rental requires an annual Short Term Rental Permit and are required to pay an annual fee. Permits will be valid from January 1st through December 31st. Applications are available from the Township Zoning Administrator. The Township Zoning Administrator will administer the process. Applications will be accepted beginning on November 1st of the year prior to the calendar year the permit is requested and are prioritized by

the date of receipt by the Zoning Administrator. The Township Board will establish the annual permit fee and may adjust the fee every two (2) years. The permit shall be specific to the property and shall not be transferable to another property or to another owner. The annual permit fee shall be five hundred (\$500.00) dollars.

- B. The following application elements are required prior to receipt of a Short Term Rental Permit:
1. A fully completed and signed application form provided by the Township, including all the required supplemental documents.
  2. Owner contact information including full name, address and phone number.
  3. Contact information including name, address and phone number for a local agent available by phone twenty four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
  4. Proof of insurance. The owner of a Short Term Rental shall provide the Township with written confirmation that the Short Term Rental is insured as a commercially rented property with at least \$1,000,000.00 in liability coverage during all times the owner's dwelling is used as a Short Term Rental.
  5. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
  6. A description of the premises proposed to be used for Short Term Rental including but not limited to:
    - a. A sketch or site plan showing layout of the Short Term Rental premises.
    - b. Current exterior photographs of the dwelling.
    - c. Number of bedrooms
    - d. Number of bathrooms
    - e. Maximum occupancy
    - f. Tax Parcel ID Number
    - g. A list of any rental agents or listing services, including on-line sites, with or through whom the unit is being advertised for rental.

- h. Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be for the organization owning the Short Term Rental and for the president, general manager or other chief executive officer of the organization.
- C. A Short Term Rental Permit shall be issued by the calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for the next year is guaranteed if reapplication is applied for. Reapplication renewal shall be made by November 15th of each year.
- D. All applicants selected to receive a permit shall also provide the Township with a permit fee in an amount set every two years by the Township Board by resolution. The fee for a permit issued for less than a full calendar year will not be pro-rated.

#### **Section 8: VIOLATIONS**

- A. Any violation of this Ordinance shall constitute a Nuisance per se. The following acts or omissions are, without limitation, violations of this Ordinance and is a municipal civil infraction under the Haynes Township Municipal Civil Infraction Ordinance. Each violation shall invoke a fine hereunder of \$250.00 per infraction, and in addition to fines/ penalties, costs, fees, and other remedies available under the Municipal Civil Infraction Ordinance. Each day on which a violation exists shall be deemed to constitute a separate offense:
  - 1. Any advertising or leasing of a Short Term Rental without first having obtained a Short Term Rental Permit.
  - 2. The holder of the Short Term Rental Permit has violated any of the provisions of this Ordinance.
  - 3. Any false or misleading information supplied in the application process.
  - 4. Failure of an owner or designated local agent to be available twenty-four (24) hours a day, seven days a week at all times while the dwelling is utilized as a Short Term Rental to respond to a complaint or concern within one (1) hour.
  - 5. A violation shall be deemed to have occurred if the violation results

in a police report or other law enforcement report, a code enforcement officer inspection report, and which determines to exist a violation hereunder or under other applicable Ordinance of State Law.

- B. Three (3) or more violations during a permit term shall result in the revocation of the Short Term Rental Permit and/or the non-renewal of the annual Short Term Rental Permit.

### **Section 9: PERMIT REVOCATION**

- A. *Notice.* Upon a determination by the Township Zoning Administrator or other properly designated Township official that a third violation within the same calendar year at a single Short Term Rental unit has occurred and following the issuance of written citations for such violations, a written notice shall be issued to the owner, operator or agent for the Short Term Rental stating that the Township intends to revoke the Short Term Rental Permit within fourteen (14) days. The written notice shall:
  - 1. Be delivered personally or sent by certified mail, return receipt requested to the address listed on the permit. Specify the factual basis for the violation.
  - 2. Inform the owner, operator or agent of a right to an appeal hearing to show cause as to why the Short Term Rental Permit should not be revoked.
- B. *Appeal.* An owner, operator or agent, upon written notice of permit revocation, has the right to appeal the decision by the Township to revoke the permit.
  - 1. An owner, operator or agent may avail themselves of the right to an appeal hearing before the Township Board by filing with the Township a written "Notice to Appeal" within fourteen (14) days of the written notice by the Township described above.
  - 2. If no "Notice to Appeal" is filed by the end of fourteen (14) days following service of the written notice by the Township as described in subsection A of this section, the Short Term Rental Permit shall be revoked and all Short Term Rental activities at the applicable unit shall cease immediately.
  - 3. If a "Notice of Appeal" is filed, it shall specify the basis on which

a hearing is requested. If a hearing is timely requested, the Township office shall notify the owner, operator or agent of the time and place of the hearing which shall take place at a regularly scheduled Township Board meeting.

4. At the hearing the owner, operator or agent may present evidence why the decision to revoke the permit should be reversed.
  5. After such hearing, the Township Board may either uphold the revocation of the Permit if the revocation was based on competent material and substantial evidence or reverse the revocation. The final decision shall be by a majority vote.
- C. *Duration of Revocation.* No permit shall be issued for a period of twenty-four (24) months to any owner, operator following the revocation of such owners or operators Short Term Rental Permit pursuant to this Section 9.

#### **Section 10: EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication of the Notice of Adoption as required by law.

#### **Section 11: TOWNSHIP, STATE AND FEDERAL REQUIREMENTS**

Nothing contained within this Ordinance shall be construed to relieve a person of any duties and obligations imposed under any Township, state or federal laws, rules, regulations, licenses or permit requirements. Compliance with all such laws is an additional requirement hereunder.

#### **Section 12: SEVERABILITY**

If any clause, sentence, paragraph or part of this ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined to its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

#### **Section 13: ADMINISTRATIVE LIABILITY**

No officer, agent, employee or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

**CERTIFICATION**

The foregoing is a true copy of Ordinance # \_\_\_\_\_ which was enacted by the Board of Trustees of the Township of Haynes, County of Alcona, at a regular/special meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2026. A copy or Notice of same was published in the Alcona County Review on \_\_\_\_\_, 2026.

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Tamara Quick, Twp Clerk