

Curtis Township Ordinance No. ____ of 2023

An ordinance to amend the Curtis Township Zoning Ordinance Article 2 (Definitions and Rules Applying To Text), Article 5 (District Regulations), and Article 8 (Supplemental Site Development Standards) to allow for Short Term Rentals.

Curtis Township, Alcona County, Michigan ordains:

Section 1: Amendments to the Curtis Township Zoning Ordinance

That the Curtis Township Zoning Ordinance, Section 2.01 (Definitions) is hereby amended to read as follows:

(ADD) **Short-Term Rental:** A single-family dwelling which furnishes transient accommodations for compensation for periods of twenty-eight (28) consecutive calendar days or less and which is unoccupied by the owner during the time in which transient accommodations are furnished. A short-term rental does not include a bed and breakfast facility or a tourist home.

That the Curtis Township Zoning Ordinance, Section 5.01 (Single-Family Residential District) is hereby amended to read as follows:

Section 5.01.2 Permitted Uses

(ADD) H. Short Term Rental Property

That the Curtis Township Zoning Ordinance, Article 8.3 (Supplemental Regulations) is hereby amended to read as follows:

(ADD)

Section 8.36 Short-term Rental Property

1. While this subsection is established to enable single-family dwelling units to be short-term rental, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. While a zoning permit is not required, the short-term rental of a property is a subordinate use to a single-family dwelling unit subject to the following conditions:

- A. The short-term rental property shall not alter the residential character of the structure in a manner which is inconsistent with the neighborhood.
- B. Short-term rental property will operate in compliance with all local, state, and federal requirements.
- C. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire

extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.

- D. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the short-term rental property to be used as additional sleeping rooms.
 - E. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility. Additional parking associated with a short-term rental shall be entirely on-site (in the garage, driveway, or other improved area) or on the side of the roadway contiguous with the property.
 - F. Snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted.
 - G. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of the Curtis Township Sign Ordinance 29-00 to indicate that the dwelling is being utilized for any purpose other than as a residence.
 - H. Short-term rental of a property shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.
 - I. A short-term rental property shall be rented in its entirety to a single person or business and may not be divided into multiple concurrent rental contracts.
 - J. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
 - K. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
 - L. Every bedroom shall have access to at least one (2) water closet and one lavatory without passing through another bedroom.
- 2. 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 remedial measures.
 - B. The local agent must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a short-term rental.
 - C. The owner will provide the phone number of the local agent to the Curtis Township Ordinance Enforcement Officer and all neighbors within a three hundred (300) foot radius of the subject property boundaries.

- D. An owner meeting the requirements of subsection (B) above may designate themselves as the local agent.
- E. Contact information shall be posted in a window. The notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached.
- F. The owner shall notify the Township of any changes in ownership or in the local agent.

3. Owner Responsibility:

- A. Prior to offering any property as a short-term rental the owner must comply with ~~Section "1.C."~~ of this ordinance and sign an affidavit stating that they are aware of the rules and regulations and will comply with all the requirements associated with this ordinance.
- B. 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 the occupants are violating laws regarding their occupancy. Standards from this ordinance shall be posted in clear view within the short-term rental unit. Failure to take immediate action to abate a violation of this ordinance may result in the issuance of a municipal civil infraction. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.

4. Violation and Administrative Penalties:

- A. Any of the following conduct is a violation of the short-term rental ordinance:
 - (1) Any advertising or leasing of a short-term rental without first complying with all Curtis Township ordinances.
 - (2) Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (1) above are as follows:
 - (1) For the first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 - (2) A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine or not less than fifty (50) dollars nor more than five hundred (500) dollars. All owners regardless of their interest in the property, may be responsible for the civil infraction. The Curtis Township Ordinance Enforcement Officer, Zoning Administrator, and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction. Each day the violation remains may be a separate offense.

(3) A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine or not less than twice the amount of any previous fine but not more than five hundred (500) dollars.

C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.

Section 2: 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 in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Curtis Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect on the 8th day after the publication of the notice of adoption.