

**CLAY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE NO. 144**

SHORT TERM VACATION RENTALS ORDINANCE

An Ordinance to regulate the use of short term vacation rental properties in the Township of Clay, St. Clair County, Michigan, providing a registration requirement for all existing or proposed vacation rentals within single-family dwelling units; the prohibition of unregistered single-family dwelling units as a short term vacation rental; a registration administrative fee to be determined by the Township Board; a term of registration, renewal, and expiration; local agent provisions; and penalties for violations of this Ordinance.

THE TOWNSHIP BOARD, OF THE TOWNSHIP OF CLAY, ST. CLAIR COUNTY, MICHIGAN ORDAINS:

Section 1. This Ordinance shall be known and cited as the “Clay Township Short Term Vacation Rentals Ordinance”.

Section 2. Purpose. Whereas Clay Township’s location makes it an appealing community for vacation rental properties, and whereas numerous vacation rentals have been established within the Township, Clay Township seeks to regulate the use of dwellings as vacation rentals. The intent of this regulation is to permit vacation rentals while maintaining the health, safety, and welfare of the general community and the residents of surrounding properties. In order to ensure that vacation rentals are not detrimental to the community or to individual neighborhoods, this Ordinance seeks to ensure that all vacation rentals are registered with the Township, that vacation rentals do not come to dominate any particular neighborhood or area, and that vacation rentals are maintained and managed in a manner that is not detrimental to nearby property owners.

Section 3. Definitions. For the purposes of this Ordinance, the following terms shall be defined as follows:

1. **Vacation Rental.** A single-family dwelling unit, excluding a manufactured home or mobile home located within a manufactured housing (mobile home) park, offered for lodging on a fee basis for a period not to exceed one hundred eighty (180) days, and registered with the Township for that purpose.

2. Bedroom. A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing through another bedroom. A bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof. A kitchen, living room, den, or other common area or room not planned and intended for sleeping shall not be considered a bedroom.

3. Local Agent. An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance.

Section 4. General Regulations. All vacation rentals shall meet the following standards:

1. All vacation rentals shall be registered with the Township. The short-term rental of an unregistered dwelling unit as a vacation rental is prohibited. The registration shall be accompanied by a registration fee established by resolution of the Township Board.

2. The term of registration shall be two (2) years from the date of issuance by the Township. Registration renewal shall be required for all registered vacation rentals in accordance with this Ordinance prior to expiration of the registration term. Any change to property ownership during the term of registration shall require a new registration in accordance with this Ordinance.

3. A vacation rental shall not be registered without proof of a valid occupancy permit by the property owner and Zoning Complaint Permit issued by the Building Department.

4. In order to register a dwelling unit for use as a vacation rental, the property owner or owner's local agent shall provide and certify as true on a form provided by the township:

a. Name, address, and telephone number of the property owner. Any change to property ownership during the term of registration shall require a new registration in accordance with this Ordinance.

b. Name, address, and telephone number of the local agent for the dwelling unit, if different from a. above. Should this local agent contact information specified change at any point during the term of

registration, it shall be updated with the Township by the property owner within fourteen (14) days of any change to this information.

c. The street address of the dwelling unit.

d. The number of bedrooms in the dwelling unit.

e. The maximum number of occupants to which the applicant intends to rent the unit in any given rental period.

f. A statement certifying that each bedroom has a working smoke alarm; that each finished floor has a working carbon monoxide detector, a working fire extinguisher, and exit sign(s) as required by the Building Department; and that the owner or local agent will keep those devices in good, working order.

g. A statement certifying that the property owner shall consent to inspections by the Township and will, upon reasonable notice being provided, make the dwelling unit available to inspectors upon request of a mutually agreed day and time. A copy of this registration form shall be provided to the Clay Township Police Department to assist with any 911 or non-emergency rental complaints.

h. A floor plan accurately representing the number of bedrooms in the unit and the number of finished floors.

i. Proof of homeowner's insurance and personal liability insurance for renter occupants.

j. In no case shall portable toilets, or privy's, be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the Township's sanitary sewer system in accordance with Clay Township Ordinance No. 146.

5. Existing vacation rentals in operation at the time of adoption of this Ordinance shall have a period of six (6) months in which to complete registration. Existing vacation rentals that are not registered within the time specified shall be considered in violation of this Ordinance.

6. The maximum term of any individual rental period shall be one hundred eighty (180) days.

7. The maximum advertised number of occupants shall not exceed the bedroom capacity defined in Section 3, 2., plus two per finished floor. A single-family dwelling unit containing a vacation rental shall not exceed four bedrooms within the dwelling unit in total.

8. Each vacation rental shall post, in a clearly visible location near the primary building entrance, the following notice and copies or summaries of all local ordinances referenced within:

a. All renters of vacation units in Clay Township are advised of the following:

i. This unit is subject to the Clay Township Noise Ordinance, etc. (placeholder to be updated to reference other applicable noise and nuisance ordinances)

ii. This unit is located in a residential neighborhood and the neighbors may not be vacationing.

iii. Neighboring property owners or tenants may contact the local agent of this vacation rental, the Clay Township Police Department or the St. Clair County Sherriff to report any potential issues relating the use of this property.

9. No attic or basement shall be used for determining the maximum number of occupants in a vacation rental, except that the owner or local agent may request, at the owner's expense, an inspection by the Building Department to determine that an attic or basement meets all current code requirements, including the requirements for egress and occupancy under the Michigan Construction Code, the Michigan Residential Code, and applicable fire codes.

10. All parking shall be accommodated on-site, within a garage or on a paved, gravel or stone driveway. The owner of the unit shall submit a plot plan or site plan demonstrating the location of the approved parking.

Section 5. Violations, Penalty and Enforcement. (the numbers presented below are placeholders and can be set at the discretion of the Township Board)

1. Any violation of any provision of this ordinance shall be a misdemeanor. Any person who violates any provision of this Ordinance, upon conviction thereof, shall be subject to a penalty not to exceed \$500.00 or 90 days in the

County jail, or both. Each day that a violation continues constitutes a separate violation.

2. The Township may revoke the registration for any vacation rental that is the site of three or more separate violations within any 12-month period resulting in a plea of responsibility, a plea of guilty, a plea of no contest, or a court's determination of responsibility of guilt by the owner, local agent, or any renter. The violations referenced herein may be of this Ordinance or any other Township ordinance.

3. Upon a determination by the Township Board or its designee, that the registration of a vacation rental is subject to revocation pursuant to above, the Township shall issue a notice to the property owner and the local agent stating that the Township intends to revoke the registration. The notice shall inform the owner and local agent of the right to a hearing to show cause as to why the registration should not be revoked if a hearing is requested within 14 days of service of the notice.

If a hearing is requested in a timely manner, the Township shall schedule the hearing at a regularly scheduled meeting of the Township Board and notify the owner and local agent of the meeting's time and location. At the hearing, the owner and local agent may present evidence that the requirements for revocation under Section 5.2. are not met, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include:

- a. The violation was not committed by the owner, local agent, or a renter, or an attempt was made by the owner, local agent, or renter to halt the violation.
- b. The violation resulted from a natural disaster.
- c. The violation arose from circumstances that the owner or local agent could not reasonably anticipate, prevent, or control.

4. Upon revocation of registration, a vacation rental may not be re-registered for a period of one (1) year and may not be used for any purpose other than as a non-vacation rental dwelling unit.

5. Provisions of this Ordinance may be enforced by the Clay Township Police Department, Clay Township Code Enforcement Officer, members of

Clay Township Building Department or other individual appointed by the Clay Township Board of Trustees.

Section 6. Validity. This Ordinance and the various parts, sections, sub-sections, sentences, phrases, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected hereby; the Township Board hereby declares that it would have passed this Ordinance and each part, section, sub-section, phrase, sentence, and clause thereof, irrespective of the fact any one or more parts sections, sub-sections, phrases, sentences, or clauses be declared invalid.

Section 7. Repeal of Conflicting Ordinance. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 8. Publication. This Ordinance, or a summary thereof, shall be published in a newspaper of general circulation within the Township of Clay, within 15 days after adoption.

Section 9. Effective Date. This Ordinance shall be in effect thirty (30) days after publication.

Ordinance Adopted: August 2, 2021

Ordinance Published: August 11, 2021

Ordinance Effective: September 10, 2021

March 10, 2022 - All short-term rentals shall be registered to be in compliance of this ordinance.

CERTIFICATE OF TOWNSHIP CLERK


I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Clay, St. Clair County, Michigan, at a meeting held on August 02, 2021.

I hereby further certify that the following Township Board members were present at the meeting: Supervisor Artie Bryson, Clerk Cindy Valentine, Treasurer Kristina Hiltunen, Trustee Chris O'Regan, Trustee Mark Borchardt, Trustee Joanne Shirkey and the following Township Board Members were absent: None

I further certify that Trustee Mark Borchardt moved for the adoption of the Ordinance, and that motion was supported by Treasurer Kristina Hiltunen.


I further certify that the following Clay Township Board Members voted for the adoption of the Ordinance: Supervisor Artie Bryson, Clerk Cindy Valentine, Treasurer Kristi Hiltunen, Trustee Chris O'Regan, Trustee Mark Borchardt, Trustee Joanne Shirkey

and that the following Clay Township Board members voted against adoption of the Ordinance: Trustee Maureen Boury


Cindy Valentine,
Clay Township Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Clay, do hereby certify that on August 11, 2021, a Summary of the Ordinance adopted was duly published in a newspaper having general circulation within the Township.


Cindy Valentine,
Clay Township Clerk

RESOLUTION 2021-22
TO ADOPT SHORT TERM VACATION RENTALS
ORDINANCE 144

TOWNSHIP OF CLAY
County of St. Clair and State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Clay, County of St. Clair, Michigan, held in the Township Hall, in said Township on the 2nd day of August 2021, at 6:00 p.m., with the following in attendance:

MEMBERS PRESENT: Supervisor Artie Bryson, Clerk Cindy Valentine, Treasurer Kristi Hiltunen, Trustee Maureen Boury, Trustee Joanne Shirkey, Trustee Chris O'Regan, Trustee Mark Borchardt.

MEMBERS ABSENT: None

The following Preamble and Resolution was offered by Trustee Mark Borchardt and supported by Treasurer Hiltunen to be adopted:

WHEREAS, The Clay Township Board has determined that it is in the best interests of the citizens of Clay Township to regulate the use of short term rental properties, provide a registration requirement for all existing or proposed vacation rentals within single-family dwelling units; the prohibition of unregistered single-family dwelling units as a short term vacation rental; a registration administrative fee to be determined by the Township Board; a term of registration, renewal, and expiration; local agent provisions; and to establish fines and penalties for the violation hereof; and

WHEREAS, the Board of Trustees desires to adopt the attached Short Term Vacation Rentals 144.

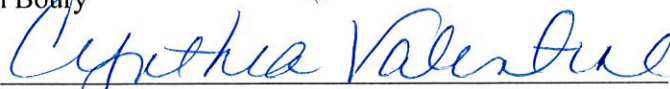
NOW, THEREFORE, BE IT RESOLVED THAT the attached Short Term Vacation Rentals Ordinance is effective thirty (30) days after publication.

All Resolutions and parts of Resolutions, insofar as they conflict with the provisions of this Resolution be and they, hereby, are rescinded.

RESOLUTION DECLARED ADOPTED August 2, 2021

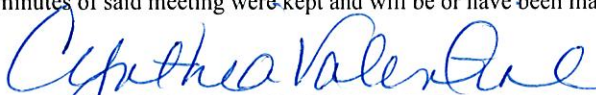
AYES: Supervisor Artie Bryson, Clerk Cindy Valentine, Treasurer Kristi Hiltunen, Trustee Joanne Shirkey, Trustee Chris O'Regan, Trustee Mark Borchardt.

NAYS: Trustee Maureen Boury


Cynthia Valentine, Clay Township Clerk

CERTIFICATION

The undersigned Clerk of the Township of Clay, hereby certifies that the foregoing constitutes a true and complete copy of a Resolution postponed by the Clay Township Board of Trustees of the Township of Clay, County of St. Clair, Michigan at a meeting held on August 2, 2021 at which seven (7) members of the Township Board were present and voted as indicated, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Cynthia Valentine, Clay Township Clerk