

**LILLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
(Ordinance No. 2024-4)**

At a regular meeting of the Township Board for Lilley Township held at the Township offices at 10767 N Prospect on the 8th day of April, 2024, beginning at 7:00 p.m., Township Board Member Hoving made a motion to adopt the following Ordinance, which motion was seconded by Township Board Member Way:

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947, BEING MCL 41.181, *ET SEQ*, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE, WELFARE, AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN LILLEY TOWNSHIP BY THE LICENSING AND REGULATION OF SHORT-TERM RENTALS; TO PROVIDE PROCEDURES FOR THE ISSUANCE, SUSPENSION AND REVOCATION OF SHORT-TERM RENTAL LICENSES; AND TO PROVIDE REMEDIES AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF LILLEY (the "Township") ORDAINS:

Section 1. Title.

This Ordinance shall be known as the "Lilley Township Short-Term Rental Ordinance," and is referred to herein as the "Ordinance".

Section 2. Findings.

The Lilley Township Board declares the following findings:

- A. The Township wishes to preserve and maintain the predominately single-family noncommercial residential, rural and farming character of the community and the quality of life for all residents, particularly around the Township's lakes.
- B. Township staff and elected and appointed Township officials have received complaints involving noise, litter, disorderly conduct, overcrowding, traffic, congestion, boat problems, parking, and safety associated with certain short-term rentals.

- C. The transitory nature of occupants of short-term rentals sometimes makes enforcement and administration of existing ordinances against the occupants and visitors difficult.
- D. Short-term rentals do provide a limited community benefit by contributing to a variety of lodging facilities for guests to utilize, supporting the local economy by increasing the number of visitors to the area, and assisting owners of short-term rental dwellings by providing revenue which may be used for maintenance upgrades and deferred costs of the property. However, there are negative impacts and increased costs as well associated with short-term rentals.
- E. The provisions of this Ordinance are necessary to prevent the continued burden placed upon county and Township services and negative impacts on Township residents and property owners sometimes posed by some short-term rentals.

Section 3. Intent and Purpose.

- A. This Ordinance is intended to protect and promote the health, safety and welfare of all the citizens of Lilley Township, as well as those visiting the area, by requiring the licensing and regulating of short-term rentals within the Township.
- B. It is also the intent of this Ordinance to allow for the purchase and ownership, rental, and maintenance of properties under certain circumstances where renting the dwelling for short periods of time will allow the landowner(s) to keep the property for their own future use and enjoyment, while protecting the integrity of those single family residential neighborhoods and areas which were developed with the intent of single-family residential occupancy by the owners thereof.
- C. The Township wishes to preserve and retain the single-family residential community, rural and farming character of the Township.
- D. It is the intent of this Ordinance to make any short-term rental activity, as permitted by this Ordinance, resemble the existing and traditional single family residential uses made by resident owners and lessees.

- E. Short-term rentals may provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

Section 4: Applicability

- A. All requirements, regulations and standards contained in this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances and codes of the Township, including the Lilley Township Zoning Ordinance and the Township's regulatory ordinances. Further, this Ordinance does not affect additional requirements imposed by associations rules, regulations or bylaws, deed restrictions, or rental agreements.
- B. This Ordinance requires all persons and landowners who desire to operate a short-term rental located anywhere within Lilley Township to first obtain a license from the Township under the terms and conditions of this Ordinance.

Section 5: Definitions

Unless otherwise specified herein, the following words and terms as used in this Ordinance shall mean as follows:

- A. **Boat:** Means any boat, watercraft or vessel used or capable of being used as a means of transportation on water. For purposes of this Ordinance, two (2) personal watercrafts shall be equal to one (1) boat. The word "boat" shall not include nonmotorized vessels such as canoes, kayaks, rowboats, or rafts. The word "boat" also does not include an air mattress, paddleboard, boogie board, or similar device used by one or two persons for floating or paddling.
- B. **Dwelling Unit:** A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating and bathing purposes. Also often called a "house" or "cottage."
- C. **Landowner:** Any and all persons or entities that holds legal or equitable title to the property (or a portion thereof) used as a STR.

- D. **Local Contact Person:** A local property manager of an STR, the landowner of an STR or the agent of the owner of an STR who is available to respond (and with full authority) to renter, neighborhood and Township questions or concerns and take remedial action or any agent of the landowner fully authorized by the landowner to take remedial action and respond to any violation of this Ordinance.
- E. **Managing Agency or Agent:** A person, firm or agency representing the landowner of the property (or portion thereof) used for an STR or a person, firm or agency owning the property (or portion thereof) used for a STR.
- F. **Operator:** The person who controls, operates and is the proprietor of a property (or portion thereof) used for an STR, whether in the capacity of the landowner, lessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character (other than an employee) or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent has the same duties as the principal.
- G. **Parking Space:** An on-site designated parking area legally and exclusively available to the STR dwelling for the long-term or overnight parking of a motorized vehicle or trailer. Parking and parking spaces shall not occur or be located within or include a road right-of-way or easement.
- H. **Person:** An individual, a group of individuals, association, firm, partnership, cooperation, or other private entity, public or private.
- I. **Short-Term Property or Lot:** A parcel or lot with an STR use thereon.
- J. **Short-Term Rental ("STR"):** A dwelling unit, cabin, cottage or house that is available for rent or use or is used or rented for habitation, accommodation or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time.
- K. **STR Renter:** A person who rents, leases or uses an STR lot, parcel or property.

Section 6: Short-Term Rental Standards and Requirements

Every STR and STR property must meet all of the following requirements:

- A. Only One Dwelling: Only one (1) dwelling unit per parcel or lot shall be leased, subleased, used, operated, rented or sub-rented as an STR at any given time. All lodging and sleeping shall be done solely within the dwelling unit and not outdoors or in a recreational vehicle, camper, or tent or similar item or manner.
- B. Separate License Required. A separate Township license is required for each STR property.
- C. Limits on Number of STR's. The total number of STR licenses for parcels or lots in the Township shall not exceed 25 in total at one time.
- D. No Limits on Ownership. There are no restrictions on the number of STR properties owned and operated by a person so long as a Township license is issued for each STR property.
- E. Local Contact Person:
- (1) Each owner of an STR property must designate in writing with the Township a local contact person who has current access to and within the STR dwelling and property at all times and has full and complete authority to immediately assume management and control of the STR property and take remedial measures.
 - (2) The local contact person must be available twenty-four (24) hours a day during each STR rental period and be within forty-five (45) minutes travel time of the STR property by vehicle.
 - (3) The landowner shall supply the current telephone number of the local contact person to the Township and the Township shall make that telephone number available to all neighbors and members of the public upon request.
 - (4) A landowner meeting the requirements of subsections (1) and (2), above, may designate themselves as the local contact person.
- F. No Special Events. Special outdoor events, reunions, concerts, lawn parties, group events, weddings and similar events or activities are prohibited on any STR property.
- G. Animal Control. The Animal Control Department of Newaygo County (or equivalent agency) shall have authority over pets. Dogs shall not be allowed to whine, yelp, bark or howl for a period of five (5) minutes or longer. No pet (including a dog) shall be allowed to roam free or to leave the STR property except

on a leash directly controlled by an adult who is at least 18 years old or older. No dangerous, poisonous, exotic or vicious animal shall be allowed or kept on an STR property.

- H. No Fireworks. Fireworks of any kind are not allowed to be used on or from an STR property.
- I. Trash Management. Provisions for trash and garbage disposal must be provided for each STR property. Trash and garbage must be contained in properly sealed receptacles and shall not become a nuisance or cause detectable odor more than 5 feet away. There shall be no overflow that will be attractive to vermin. Trash and garbage shall be regularly removed from the property (and lawfully disposed of off-site) at least once weekly.
- J. Septic Systems. The landowner shall at all times maintain a septic system or sewer connection that is in good and working order and condition and in full compliance with Lilley Township ordinances and Health Department standards.
- K. Noise. Noise during quiet hours 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. The Lilley Township Nuisance Ordinance, as amended (if any), shall also apply.
- L. Landowner Responsibility. The landowner shall ensure that all of the requirements of this Ordinance are met at all times by renters and occupants and such responsibility shall be specified in all rental agreements. The landowner is strictly liable and responsible for everything that occurs on the STR property.
- M. Operation. Every STR property shall be operated and maintained in a reasonable and safe fashion at all times.
- N. Compliance. Every STR property shall comply at all times with not only this Ordinance, the Lilley Township Zoning Ordinance and all building codes, but also every other applicable Lilley Township, Newaygo County, State of Michigan and federal government law, ordinance, regulation and requirement.

- O. Operating without a License. Commencing, operating or maintaining an STR on a parcel or lot where no STR license has been issued under this Ordinance (or in violation of an STR license that has been issued under this Ordinance) or where no valid Township STR license is in effect constitutes a violation of this Ordinance and is a nuisance *per se*.
- P. Insurance. At least \$1,000,000 of liability insurance shall cover the STR property at all times.
- Q. One Family Only. An STR property shall only be rented to, used and occupied by one (1) single family at a time.
- R. Parking.
- (1) No on-street parking of any motor vehicle, trailer, or any trailered vehicle (including by way of example, but not limited to, boats, jet skis, and snowmobiles) on any public or private roadway shall occur with or attributable to an STR. For purposes of this Ordinance, "roadway" includes the pavement, shoulder, and road easement or right-of-way.
 - (2) There shall be no parking on or at any Township or County-owned park or natural area attributable to an STR or as overflow parking for an STR.
 - (3) Every STR property shall have at least 4 vehicle parking spots on the STR parcel or lot (located outside of a public or private road or street easement or right-of-way).
 - (4) An occupant of an STR or the guest of an occupant shall not moor or anchor on any bottomlands, or place on any shore or beach, any boat or other watercraft overnight where the bottomlands or upland shore or beach is part of a park or natural area owned or operated by Lilley Township.
- S. Capacity Limits.
- (1) Capacity limits for an STR dwelling will be determined as follows:
 - The maximum number of occupants in an STR dwelling shall be equal to the number of bedrooms the septic system is designed to accommodate multiplied by a factor of 2, plus 2 more people for each finished floor in the dwelling. Such maximum number of occupants is in effect between the hours of 10:00pm and 7:00am.
 - (2) The Septic and Well Status Report (or the equivalent report) from the Health Department shall clearly indicate the number of bedrooms the system was designed to accommodate.

- (3) In the event that there is no septic disposal permit on file with the Health Department, a current Septic Inspection Report (or the equivalent report) will be used to determine the bedroom capacity of the on-site septic system provided that the inspector has determined that the system meets all current standards of the Health Department's Environmental Health Regulations (or the equivalent) and the system is in good working order.
- (4) The STR license issued by the Township shall indicate the maximum number of occupants and the maximum daytime capacity that may be accommodated as calculated under these standards.

T. Contact and Response. The landowner or local contact person representing the landowner must be available by telephone at all times and must be physically located within a 45-minute travel distance of the STR property in the event of an emergency or an issue arises that requires immediate attention. When notified of an issue of immediate concern, (such issues may include, but are not limited to, noise or quiet hour violations) the landowner or local contact person shall resolve the issue immediately. Issues of a non-immediate concern (such issues may include, but are not limited to, failure to include the license number in advertisements or incorrect guest capacity included in advertisements) shall be satisfactorily addressed within two (2) days.

The landowner shall provide 24-hour contact information to the owners of all lots or parcels adjacent to the STR property.

U. Identification. The street address for the STR shall be on a sign on site in accordance with the Newaygo County Street and Road Numbering Ordinance and be clearly visible and readable from the street.

V. Quiet Hours. All occupants shall observe quiet hours between 11:00 pm and 8:00 am.

W. Information.

- (1) The landowner or local contact person shall provide written notification to the renter before an STR commences that an occupant and/or a guest of an occupant may be cited for a violation of any of the following:
 - i. This Ordinance;
 - ii. The Township Noise Ordinance;
 - iii. Any other applicable Township ordinance; and

- iv. Newaygo County ORV Ordinance No. 01/2012 and any pamphlet (or the equivalent) by Newaygo County regarding ORV rules.
- (2) If any boats will be used pursuant to the STR, the landowner or local contact person shall provide to the occupant before the STR commences a copy of The Handbook of Michigan Boating Laws and Responsibilities (2021 Edition or newer) produced by the Michigan Department of Natural Resources, or successor document.
- X. Campfires. Every campfire, bonfire or similar fire shall:
 - (1) Be contained within a fire ring or other comparable container.
 - (2) Be located no less than 10 feet away from any building, structure or any combustible material and be located away from all overhanging tree branches.
 - (3) Be under the direct supervision of an adult over 18 years old at all times.
 - (4) Be fully extinguished prior to leaving the fire.
 - (5) Be attended at all times.
- Y. Dwelling Unit Standards. All STRs must meet all of the following dwelling unit standards:
 - (1) The STR is a complete and finished single-family dwelling unit.
 - (2) The STR shall not be a multiple family dwelling unit.
 - (3) All dwellings must meet all applicable fire and building codes.
 - (4) Each dwelling shall have at least 740 square feet of internal finished floor area on the first floor (not counting basement areas)
- Z. Compliance with the Township Zoning Ordinance. The property on which the STR is operated shall be in compliance with all applicable requirements of the Lilley Township Zoning Ordinance at the time the STR license is issued and shall remain in full compliance with the Zoning Ordinance at all times during the operation of the STR.
- AA. Boats. Occupants of an STR property may use boats during the term of the rental subject to all of the following:
 - (1) If the landowner has granted permission in writing, the STR occupants may use boats belonging to the owner of the STR property or use other boats brought to the property, provided all other restrictions of this Subsection AA are met.

- (2) If the STR Lot has frontage on a lake, there shall be no more than two (2) boats, watercraft or vessels docked, moored at, kept or attributable to the STR Lot (and the bottomlands and shoreline thereof). Every boat or any watercraft, vessel or boat attributable to the STR Lot shall comply with all State of Michigan laws and regulations regarding the operation and use of boats, watercraft and vessels.
- (3) No STR Lot with frontage on a lake shall have more than one (1) dock and the dock shall be fully removed from the waters of the lake during the time period of October 15 through May 1 of the following calendar year. Every dock, boat hoist and docked, moored or anchored boat, watercraft or vessel shall be located at least 10 feet away from the side lot lines of the STR Lot as extended perpendicular out from the shoreline and out into the lake.
- (4) Guests of an STR renter shall not operate, park, tie-up on site, keep, moor or anchor any boats on the rental property, but may accompany the registered STR renter on boats provided that all other restrictions of this Subsection AA are met.
- (5) Any boat associated with an STR shall not be tied-up, moored, anchored, or placed on land, beach, or bottomlands which is not part of the STR Lot or to which riparian rights for that lot are not associated.
- (6) For STRs where boats will be in use, the STR renter shall acknowledge in writing receipt of The Handbook of Michigan Boating Laws and Responsibilities 2021 Edition (or newer) produced by the Michigan Department of Natural Resources, or successor document.

BB. Inspections. The Lilley Township Ordinance Enforcement Officer (and other officials or individuals designated by the Township Board) shall have the right to inspect buildings, structures, and property on which a short-term rental is or will be operated to determine violations of or compliance with this Ordinance and the Lilley Township Zoning Ordinance. The Township representatives may exercise this right of inspection by the consent of the person having the right to possession of the building, structure, and property, or any part thereof, or by administrative search warrant.

CC. Maintenance and Condition. Every STR property, dwelling, facilities and structures shall be well maintained and kept in good condition, repair and appearance at all times. All major appliances (such as a washer and dryer, stove/range, refrigerator, furnace and hot water heater) shall be in good condition and working order at all times.

- DD. Emergency Equipment. Every STR shall have at least two carbon monoxide detectors and smoke detectors on every floor (and in every bedroom) that are in good working order and fully functional at all times.
- EE. No Signage. No sign identifying or advertising an STR or its availability shall be visible outdoors on the STR property.
- FF. No RV's. No camping trailer, RV, tent, camper or similar vehicle or item shall be used on an STR property while an STR is occurring.
- GG. Single-Family Use Only. Unless an STR property is located in a commercial zoning district, only one single family at a time may rent and habitate or stay overnight at an STR property.
- HH. Fire Extinguishers. Every dwelling associated with an STR shall have two (2) fully functionable and working fire extinguishers. Each of the fire extinguishers shall be in a highly visible location, with one located on each floor (if a two-story dwelling is involved with finished floor space on each floor) or both located on the same floor (if only a one-story dwelling with one finished floor).
- II. Prohibited Items. No bunk house, yurt, shed, tent, camper, RV, boat, pole barn, garage or outbuilding shall be utilized for habitation or overnight sleeping as part of or in association with an STR.
- JJ. Advertising. The owner or operator of an STR property shall not advertise, promote or encourage any activity, use or matter for the STR property that is unlawful under this Ordinance, any other Township ordinance or state or federal law, regulation or code. There shall be no false advertising with regard to an STR property.
- KK. Prohibitions. None of the following shall be used as or for an STR or an STR activity:
- (1) Any tent, bunkhouse, RV, yurt, shed, barracks or similar item or use.
 - (2) Any boat, pontoon, houseboat, barge or other water vessel or watercraft.
 - (3) Any "tiny house" or any dwelling that does not meet the minimum size requirements of this Ordinance.

- (4) Any house, dwelling, cottage or cabin that was unlawfully built, expanded or modified.
- (5) Any camping trailer, recreation vehicle, popup trailer, bus, motorhome or similar item or vehicle.
- (6) Any lot or parcel with two (2) or more dwellings thereon.
- (7) Any lot or parcel accessed by or on a private road, joint drive or access easement.

Section 7: Landowner Responsibilities

- A. The landowner of every STR property must ensure that all requirements of this Ordinance are met for every STR property at all times.
- B. The landowner must use his/her/its best efforts to ensure that the occupants and guests of the STR property do not create unreasonable noise or disturbances, engage in disorderly conduct, violate a Township-issued STR license or violate any of the provisions of this Ordinance or any other local or state law and shall notify the renter and the occupants of the rules regarding the STR and take appropriate prompt action to abate the violative conduct when notified that the occupant(s) or guests are violating an ordinance or law regarding their occupancy or use.
- C. The landowner of an STR property is strictly liable and responsible for what occurs on or at that property.

Section 8. Application for a short-term rental license.

- A. Responsibility. Before a property is rented or operated as an STR (or advertised as an STR), the landowner shall apply for (and obtain) an STR license from the Township through the submission of an STR license application (and all other required materials) to the Township.
- B. Application Information Required. A landowner seeking an STR license under this Ordinance shall submit a complete application, certified as being true, to the Lilley Township Zoning Administrator (or such other person as may be designated by the Township Board). The application shall include documentation and information reasonably required by the Township to demonstrate current and continuing

compliance with the standards and regulations contained in this Ordinance and also all of the following information:

- (1) The current name, address, telephone numbers (home, work, or cell phone), and email address of all of the landowners of the proposed STR property.
- (2) An affidavit signed by all of the landowners of the proposed STR property granting full authority to the local contact person to act on behalf of the landowner pursuant to Subsection 6E hereof.
- (3) Information about the local contact person, including the current name, address, telephone numbers (home, work, or cell phone), and email address of the local contact person.
- (4) The address of the proposed STR property.
- (5) The permanent parcel identification number for the proposed STR property.
- (6) Written proof of premises ownership and current liability insurance.
- (7) Any deed restrictions or use limitations in the subdivision, covenants and restrictions or the condominium master deed and/or bylaws applicable to the STR property.
- (8) A floorplan drawing of the proposed STR dwelling that includes the number and layout of all bedrooms intended to be occupied or used as part of the STR.
- (9) The proposed frequency of related use for and maximum occupancy of the STR property.
- (10) A drawing of the premises on which the STR will be located that includes all buildings on the premises, the off-street parking area, the access drive, the waterfront (if any), the adjoining road and the location where all motor vehicles, boats, campers and trailers will be parked or kept.
- (11) Documentation that copies, summaries, or website address of the Township, as they may be amended or changed from time to time, will be provided to all of the renters of the STR prior to occupancy.
- (12) The application form shall be signed and dated by all landowners of the STR property.
- (13) On-site Septic Capacity as determined under this Ordinance and based on the number of bedrooms.

- i. A Septic and Well Status Report issued by the Health Department, when there is a permit for an on-site disposal system issued and inspected by the Health Department.
 - ii. A copy of a current Septic Inspection Report (or the equivalent) shall be submitted to the Township with each application for an STR license demonstrating that the system has received either a 1, 1P, 2 or 2P rating. Alternately, a permit for a new system issued by the Health Department within the previous 36 months.
- C. Application fee. The license application shall also be accompanied by an application fee as established by the Township Board and set forth in the Township's fee schedule.
- D. Complete application. An STR license application shall not be considered accepted by the Township until the Township deems it to be fully complete. The Zoning Administrator (or such other person as is designated by the Township Board) shall determine whether an STR license application is complete after the application is submitted to the Township. If the Zoning Administrator (or such other person as is designated by the Township Board) determines that all required information was not supplied to the Township and/or if the applicant fails to pay the required fee(s) to the Township, then the Zoning Administrator (or such other person as is designated by the Township Board) shall send written notification to the applicant of the deficiencies. If the applicant fails to provide all of the information required by this Ordinance or fails to pay the required fee(s) within a reasonable time after being notified of the deficiencies, then the application shall be deemed incomplete and shall be denied by the Zoning Administrator (or such other person as is designated by the Township Board) on that basis.
- E. A separate license is required for each STR property.

Section 9. STR Licenses.

- A. An STR license shall be valid for a period of three (3) years or until the dwelling unit is sold or transferred, whichever occurs earlier.
- B. An STR license is required for each dwelling to be rented on a short-term basis.

- C. An STR license will be issued within 45 days of receipt of a complete application, provided the application complies with all applicable requirements of this Ordinance (and all other applicable Township ordinances and codes) (including payment of all required fees). An STR license or renewed license may be denied by the Township pursuant to Section 14 of this Ordinance.
- D. The STR license shall indicate the maximum number of guests that can be accommodated at the rental dwelling in accordance with the standards listed in this Ordinance.
- E. The STR license shall indicate the maximum daytime capacity that can be accommodated at the dwelling involved in accordance with the standards listed in this Ordinance.
- F. The Township may impose reasonable conditions on an STR license.
- G. Total STR Licenses.
 - (1) There shall be no more than 25 STR Lots in total within Lilley Township and no more than 25 STR Lots shall have STR licenses at one time. The permissible licenses for STR Lots shall be allowed, allocated and located as follows:
 - (a) Pettibone Lake - For properties with frontage on Pettibone Lake and the area within one (1) mile of the waters of Pettibone Lake, there shall be no more than four (4) STR Lots (and related licenses) in total.
 - (b) Pickerel Lake - For properties with frontage on Pickerel Lake and the area within one (1) mile of the waters of Pickerel Lake, there shall be no more than four (4) STR Lots (and related licenses) in total.
 - (c) Mawby Lake - For properties with frontage on Mawby Lake and the area within one (1) mile of the waters of Mawby Lake, there shall be no STR Lots and no STR license.
 - (d) Bitely Lake - For properties with frontage on Bitely Lake and the area within one (1) mile of the waters of Bitely Lake, there shall be no more than one (1) STR Lot (and the related license) in total.

- (e) Sisson Lake - For properties with frontage on Sisson Lake and the area within one (1) mile of the waters of Sisson Lake, there shall be no more than two (2) STR Lots (and related licenses) in total.
 - (f) Lilley Lake - For properties with frontage on Lilley Lake and the area within one (1) mile of the waters of Lilley Lake, there shall be no more than four (4) STR Lots (and related licenses) in total.
 - (g) Isaac Lake - For properties with frontage on Isaac Lake and the area within one (1) mile of the waters of Isaac Lake, there shall be no STR Lot and no STR license.
 - (h) Greening Lake - For properties with frontage on Greening Lake and the area within one (1) mile of the waters of Greening Lake, there shall be no STR Lot and no STR license.
 - (i) WalkUp Lake (also called "Atodd Lake") - For properties with frontage on WalkUp Lake and the area within one (1) mile of the waters of WalkUp Lake, there shall be no more than two (2) STR Lots (and related licenses) in total.
 - (j) Nichols Lake - For properties with frontage on Nichols Lake and the area within one (1) mile of the waters of Nichols Lake, there shall be no more than three (3) STR Lots (and related licenses) in total.
 - (k) Areas zoned as GC-General Commercial - For properties in areas zoned as GC-General Commercial under the Lilley Township Zoning Ordinance (and not located within one mile of any lake), there shall be no more than five (5) STR Lots (and related licenses) in total.
 - (l) There shall be no other STR Lots (or STR licenses) on any other lake within Lilley Township (or within one mile thereof) except for the lakes as expressly allowed above.
- (2) For purposes of which STR Lots come within the allocated or allowed totals specified in Subsection G(1) hereof above for licenses (which are consistent with the STR Lot allocations contained in the Lilley Township Zoning Ordinance), priority shall be given to those STR Lots (and the STR activities and usage on such lots) which have been lawfully operating within the Township for the longest consecutive and continued period of time. Any STR Lot with an existing STR use, activity or structure which has had any of the following characteristics shall not be deemed lawfully in existence for purposes of the allowed or allocated total number of STR Lots:
- (a) The STR dwelling or living unit has been a shed or a trailer, boat, tent, yurt, mobile home or other non-stick built dwelling.

- (b) The STR dwelling has been rented to or used by more than one family at a time.
- (c) The dwelling or lot has been used as or for a commercial wedding venue, reunion, party or other gathering or activity which is commercial in nature or for profit.
- (d) The dwelling has not met applicable building codes, fire safety codes or the maintenance code.

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After the effective date of this Ordinance, if any STR Lot has not actually been rented or leased as an STR for three (3) consecutive years or longer, it shall lose its priority for purposes of Subsection G, above.

- H. No license shall be issued for an STR or STR Lot (and no STR or STR Lot shall be leased or rented to third parties) unless the STR and STR Lot are in full compliance with the Zoning Ordinance and a zoning permit has been issued by the Township for the STR and the STR Lot. No license shall be issued for an STR or an STR Lot if the applicable caps in Section 3.32 of the Zoning Ordinance has already been met or filled.
- I. No STR license shall be issued by the Township unless the owner of the lot or parcel involved fully fills out the Township's STR application, affidavit and any other Township forms related to an STR. The applicant shall also supply the Township with all additional information and documents reasonably requested by the Township. If any part of an STR license, affidavit or other form filed with the Township pursuant to obtaining or renewing an STR license is false, erroneous or inaccurate, that is grounds for the suspension or revocation of the STR license.
- J. No STR Lot shall be used for STR rental or leasing unless it has a sanitary septic system and well that comply with all requirements of the District No. 10 Health Department and all applicable State laws and regulations. Each such sanitary septic system and well shall be in good working order at all times that the STR Lot is rented or leased to third parties.

- K. The Zoning Administrator shall not issue a license for an STR or STR Lot until verifying that the property and dwelling is in full compliance with the Lilley Township Zoning Ordinance, including Section 3.32 thereof. If there are two or more properties that appear to qualify for the last STR available pursuant to the "caps" in the Zoning Ordinance, then the Zoning Administrator shall determine which property more fully qualifies. If the Zoning Administrator cannot make that determination, then the Zoning Administrator shall utilize a "blind draw" to determine which property is given the STR Lot license. An aggrieved party can appeal that determination to the Lilley Township Zoning Board of Appeals. If the owner of a property that has been awarded one of the allowed STR rights under the "cap" system pursuant to the Zoning Ordinance does not file a fully complete STR licensing application with the Township within 45 days of being so notified, then such property shall lose the ability to have or operate an STR thereon and such STR rights shall go to the next lawful applying property. The Township Board may, from time-to-time, adopt reasonable rules and regulations for administering the "cap" provision contained in the Zoning Ordinance and this Ordinance for STR Lots and related matters.

Section 10. Duration of the STR License; Renewal.

- A. Unless revoked or suspended by the Township earlier, an STR license issued under this Ordinance shall remain in effect for the premises involved for a period of three (3) years from the date it is issued.
- B. The landowner may request the renewal of an STR license upon submitting an application for such renewal to the Zoning Administrator (or other person designated by the Township Board) and the payment of the renewal fee, as determined from time-to-time by the Township Board in the Township fee schedule. All information submitted with the prior application(s) shall be deemed submitted with the application for renewal, but shall be updated and corrected where applicable. The landowner need only submit new information to the Township with the application for a license renewal when that application information has changed (or is no longer valid or fully correct) or there are new and

additional Township requirements since the last complete application was filed with the Township.

- C. A renewal license for an STR shall be issued for 3 years and shall be approved only when all of the standards, requirements and regulations then contained in this Ordinance are met.
- D. If the STR property has a change of ownership, the then-current STR license shall be deemed null and void.
- E. A renewed license may be denied by the Township pursuant to Section 14 of this Ordinance.

Section 11. Duty to Remedy Violations.

The landowner shall immediately remedy or abate any violation of this Ordinance or any other Township ordinance or code by the renter or occupants of an STR and/or the guests of such occupants or otherwise. For any violation of any Township ordinance or code, the Township may (in addition to other remedies) notify the landowner or the local contact person for the STR of such violation by telephone or email. The landowner or the local contact person shall be deemed to have received notice of the violation upon receiving a telephone call from the Township or when a return receipt email message is received by the Township, whichever is sooner. Upon receiving notice of the violation, the landowner or the local contact person shall ensure that the violation is remedied within 48 hours of receipt of such notice. Failure to remedy the violation within 48 hours after receiving notice of the violation as mentioned above, without good cause shown, shall constitute a violation of this Ordinance and may subject the STR license issued under this Ordinance to suspension or revocation pursuant to Section 14 of this Ordinance and may also subject the landowner to court enforcement proceedings and the penalties under Section 17 of this Ordinance.

Section 12. Exceptions and Exemptions.

A dwelling unit or premises does not need an STR license as otherwise required in this Ordinance when the occupancy of the dwelling unit or premises occurs under any of the following circumstances:

- A. Family occupancy. Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit and there is no monetary or other compensation paid or given. Family occupancy also exempts lawful guest houses or similarly separate dwelling units lawfully located on the same premises as the owner's domicile, when occupied by family guests, exchange students the family, visiting clergy, medical caregivers, and / or childcare givers, without compensation to the landowner.
- B. House-sitting. During the temporary absence of the landowner and the landowner's family, the landowner may permit non-owner occupancy of the premises, without compensation to the landowner and without an STR license for house sitting purposes.
- C. Dwelling sales (Landowners). Occupancy by a prior landowner after the sale of a dwelling under a rental agreement.
- D. Estate representative. Occupancy by a personal representative, trustee, or guardian of the estate and his or her family, with or without compensation.

Section 13. Prohibited Activities.

None of the following activities, uses or behavior shall occur on, at or attributable to an STR property while it is being rented, leased or occupied by a third party:

- A. Engaging in disorderly conduct.
- B. Engaging in loud, boisterous or unreasonably noisy conduct or behavior. Also, no person shall cause a noise or disturbance, which is defined as sound created by human activity with or without the use of any device, machine, vehicle or item, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. This includes, but is not limited to, the following prohibited acts:

- (i) The playing of any radio, television, cell phone, iPod, speaker, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
 - (ii) The keeping of any animal or bird which, by causing frequent or long continued noise, unreasonably disturbs the comfort, sleep and / or repose of any person in the vicinity.
 - (iii) The use of any motor vehicle, including motorcycles, ATV's, side-by-sides, snowmobiles, mini bikes or similar vehicle in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
 - (iv) Shouting or other raucous, loud or boisterous behavior for an unreasonable length of time.
- C. Violating any Township ordinance or code or any federal or state law.
 - D. Disturbing the peace.
 - E. Trespassing on adjoining or nearby properties.
 - F. The use of fireworks or similar items.
 - G. Intoxication.
 - H. Lewd or obscene behavior.
 - I. Any outdoor burning without the required Township permit, where applicable.
 - J. Littering.
 - K. Parking within any public or private road or street (or the easement or right-of-way thereof).

Section 14. Suspensions and Revocations.

- A. After giving the landowner at least 21 days prior written notice, the Township Board may temporarily suspend or permanently revoke an STR license issued under this Ordinance (or deny a renewed or renewal license) pursuant to a violation of an STR license or this Ordinance, the Lilley Township Zoning Ordinance, the Building Code or any other applicable Lilley Township, Newaygo County, State of Michigan or federal government law, ordinance, code, regulation or requirement.

Alternately, for any such violation, the Township Board may impose additional reasonable conditions, requirements and regulations for an existing or renewing STR license in lieu of a license suspension or revocation. If the landowner files a written appeal with the Township (and pays all applicable appeal fees to the Township) within 14 days of receipt of a notice of license denial, revocation or suspension, no such suspension, denial, revocation or license modification shall occur unless the Township Board first holds a public hearing and allows the landowner to be heard at that public hearing. A written notice of the public hearing shall be mailed to the landowner and also to all of the owners of all lots or parcels within 300 feet of the lot or parcel where the STR is located, as those owners are shown on the most recent property tax records for the Township. The Township Board may temporarily suspend or permanently revoke an STR license or deny a license initially or on renewal (or add additional conditions, restrictions or regulations to the STR license) issued under this Ordinance if the Township Board finds that any of the following are applicable:

- (i) There has been a material and substantial violation of this Ordinance, the Lilley Township Zoning Ordinance, the Building Code or any other Township, Newaygo County, State of Michigan or federal government law, code, ordinance, regulation or requirement.
 - (ii) There is a violation or incident which endangers the public health or safety.
 - (iii) The STR has become a nuisance.
 - (iv) The landowner has received three (3) or more written notices during the prior two year time period of violations of this Ordinance on the STR property involved.
- B. If three (3) or more violations or infractions of this Ordinance, the Zoning Ordinance or any other Township ordinance or requirement is verified or confirmed by the Township for an STR Lot within a two (2) year time period, it shall be presumed to be grounds for an STR license denial, suspension or revocation. However, should a serious violation or infraction occur, an STR license denial, revocation or suspension can occur with fewer than such 3 or more violations or infractions.

- C. The Township Board may attach reasonable conditions to the reinstatement or issuance of an STR license after a temporary suspension.
- D. If the landowner has appealed, then a temporary denial, suspension or permanent revocation of an STR license (or the adding of additional conditions, restrictions or regulations to the STR license) under this Ordinance shall become effective upon the expiration of five (5) days after the Township Board has held a public hearing and made its determination regarding a temporary denial, suspension or permanent revocation (or added conditions, restrictions or regulations). Should the STR be operated thereafter in violation of the temporary denial, suspension or permanent revocation (or any additional conditions, restrictions or regulations attached to the STR license), that shall also constitute a violation of this Ordinance.
- E. In addition to a fixed fee for an appeal, the Township may require the deposit of an additional escrow fee or fees by the appealing party with the Township to reimburse the Township for any attorney, engineer or other professional fees attributable to the appeal.
- F. If an STR license has been revoked or denied by the Township Board, no new STR license shall be applied for or approved for the same property during the three (3) years after the revocation or denial becomes effective, unless the Township Board has imposed a longer time period for non-qualification.

Section 15. Nontransferability; New license required upon transfer of ownership.

An STR license issued under this Ordinance shall become void upon the transfer of ownership of the dwelling or premises involved, or upon the transfer of a controlling interest in the partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling or premises involved. A new STR license shall be obtained from the Zoning Administrator (or such other person as the Township Board may designate) pursuant to the requirements and regulations set forth in this Ordinance before short-term rentals may be resumed in the dwelling involved.

Section 16. Interpretation and Appeals.

- A. The Lilley Township Zoning Administrator shall have the authority to render binding interpretations and determinations regarding this Ordinance, including any and all provisions of this Ordinance.
- B. If the owner of an STR dwelling unit or property disagrees with any action, decision, interpretation or determination by the Zoning Administrator under this Ordinance (apart from a license suspension or revocation under Section 14 hereof), the landowner may file a written appeal with the Township within 21 days of the date on which the Zoning Administrator takes such action or makes a determination or interpretation. In addition, the owner of any lot or parcel within 300 feet of the lot or parcel involving the short-term rental may also appeal to the Township any action by the Zoning Administrator or interpretation or determination by the Zoning Administrator by filing a written appeal with the Township within 21 days of such action, interpretation or determination by the Zoning Administrator. The Lilley Township Zoning Board of Appeals shall hear all appeals hereunder that are filed within the Township in a timely fashion. The Lilley Township Zoning Board of Appeals shall hold a public hearing regarding any such appeal. Written notice of the hearing on the appeal shall also be mailed to both the landowner of the property where the short-term rental dwelling or premises is located, as well as the owners of all properties within 300 feet of the short-term rental property, via regular mail with all such names and addresses based on the most recent property tax rolls for Lilley Township. The Lilley Township Zoning Board of Appeals may either reverse or uphold or uphold with changes or conditions the action, determination or interpretation of the Zoning Administrator involved.
- C. The Township Board may set reasonable fees for any such appeal, including requiring escrow fees from the appealing party to cover any costs incurred by the Township by the Zoning Administrator, Township Attorney or Township Engineer regarding the appeal.
- D. Should issues arise regarding how STR licenses should be awarded or allocated under the "cap" system (including, but not limited to, what should occur if two or more different properties "tie" regarding priority under the caps, if a particular STR

property is awarded an STR license but does not carry through with it, how any lottery or "blind draw" should be conducted, etc.), the Lilley Township Board may adopt procedures and rules regarding the same by resolution from time-to-time.

- E. An STR license under this Ordinance shall not constitute a vested right or property interest.

Section 17. Violations and penalties.

- A. Any activity or use of land which is commenced or conducted, or any building or structure which is kept or used in violation of any provision of this Ordinance (or of an STR license), is hereby declared to be a nuisance *per se*. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any license or other approval granted hereunder, or any lawful order, interpretation or determination of or by the Township Zoning Administrator, Ordinance Enforcement Officer or any authorized deputy sheriff issued pursuant to this Ordinance shall be in violation of this Ordinance.
- B. A violation of this Ordinance is a municipal civil infraction, for which the fines shall be as follows:
 - (1) Not less than \$100 nor more than \$500 for the first offense.
 - (2) Not less than \$250 nor more than \$1,000 for the second or other subsequent offense.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same or other provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Such fines shall be levied in the discretion of the court and shall be in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing the ordinance. Each day that a violation occurs shall constitute a separate offense.

- C. The following Township officials are authorized to enforce this Ordinance and to issue citations / tickets for the violation of provisions of this Ordinance which are

hereby designated as municipal civil infractions (except those designated as misdemeanors), if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who allegedly witnessed the infraction:

- (1) The Township Zoning Administrator.
- (2) The Township Enforcement Officer.
- (3) Any deputy of the Newaygo County Sheriff's Department.
- (4) The Township Supervisor.
- (5) The Township Building Inspector.

If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized enforcing official, then the citation / ticket may nevertheless be issued if the enforcing official has reasonable cause to believe that the violation has occurred and if the Township attorney approves in writing the issuance of the citation / ticket, if such approval by the Township attorney is required by law.

The authorized Township official or other authorized official shall personally serve the citation / ticket upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building or other structure, a copy of the citation / ticket need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation / ticket on the land involved or attaching a copy of the citation / ticket to the building or structure. In addition, in such a case, a copy of the citation / ticket shall be sent by first class U. S. mail to the owner of the land, building or structure at the landowner's last known address.

Citations / tickets shall require an appearance at the district court within a reasonable time after the citation / ticket has been issued.

The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by state law.

- D. If the Township is involved in a lawsuit, municipal civil infraction proceeding or other court action in either the Newaygo County Circuit Court or the District Court and should the Township prevail in whole or in part, then the Township shall be awarded its reasonable attorney fees and costs, including attorney fees and costs incurred by the Township leading up to the lawsuit, municipal civil infraction proceeding or other court proceeding, during the trial court or hearing proceedings in the Newaygo County Circuit Court or the District Court and through any appeals.
- E. Should any violation of this Ordinance cause damages to the owner(s) of any property adjoining the short-term rental premises (or to that property) or within 1,000-feet of the lot or parcel on which the short-term rental is occurring, then any person found guilty or responsible for a violation of this Ordinance (and for causing such damages) shall also be liable for reimbursing the owner(s) of the adjoining or nearby properties for any and all such damages and costs.
- F. The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this Ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, interest, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid *ad valorem* real property taxes, including the inclusion of the monetary amount of such lien upon the *ad valorem* property tax roll, and the collection thereof in the same manner as *ad valorem* real property taxes are collected. The Township may also institute a one lot special assessment to collect all such monies.
- G. In addition to issuance of a municipal civil infraction citation / ticket, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and / or to seek such other relief as may be provided by law.

- H. Any building, dwelling, structure, land division or land use or activity which is in violation of this Ordinance is declared to be a nuisance *per se*.
- I. The remedies available to the Township under this Ordinance are cumulative and not exclusive or exclusionary.

Section 18. Severability.

If any section, clause, or provision of this Ordinance is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 19. Effective Date.

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance (or a summary thereof) appears in the newspaper as provided by law.

The vote in favor of this Ordinance was as follows:

YEAS: Anderson Hoving Bouwens Nelson Way

NAYS: 0

ABSTAIN/ABSENT: 0

THIS ORDINANCE IS HEREBY DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Lilley Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: Fran Nelson
Fran Nelson
Lilley Township Clerk