

GOLDEN TOWNSHIP
JULY 9, 2019
MINUTES

The regular meeting of the Golden Township Board was called to order by Chairman, Carl Fuehring, at 7:30 p.m. in the Golden Township Hall. The Pledge of Allegiance was recited.

Board Members Present: Carl Fuehring, Connie Cargill, Rachel Iteen, Gary Beggs, Richard Walsworth

Absent: None

Also, present: Rob Draper, Zoning Administrator; Ed McNeely, Township Lawyer; Craig Mast, Oceana County Sherriff and approximately 25 guests.

Minutes - Motion by Mr. Beggs, supported by Mr. Walsworth, to approve the minutes of last month's regular board meeting. All yes, the motion carried.

Public Comment:

-Chuck Ruedi says hello to everyone

-Bob Jones wants the easement connecting Vachan and Hunt streets fixed. He thought the solution would be to put rock along the edge of the road.

-Mary Hubel suggested that that ORV be painted periodically on the north lane on Fox approaching the dune entrance to give clarity for those who are new to the area.

-Terry Puffenberger mentioned the traffic jam at the corner of Fox and Ridge on busy weekends.

-Sherriff Mast gave a report on offense cases by city/township with the majority of cases in Golden Township which comes with the influx of thousands of people to the area. He also spoke on the state law on fireworks and basically the state is saying local governments cannot prohibit fireworks on the days they list. He also mentioned that the Golden Township noise ordinance can be used to enforce fireworks noise after 11 pm.

-A resident mentioned excessive speed on Taylor Road.

-Mark Brookens thought the new speed limits in Mears are higher than they should be.

The Treasurer read the Financial Report. The ending balance in the Fund as of July 9, 2019 was as follows: General Fund \$51,263.27; Road fund \$9,945.57; Capitol Savings Fund \$6,427.17. The Michigan Class investment funds for the above funds are as follows: GF \$122,739; RF \$373,867; CSF 64,010.

Bills: Motion by Mr. Beggs, supported by Mrs. Cargill to pay check numbers 17913 through 17956, and EFT 113 in the general fund for the amount of \$64,774.28. Roll call vote all yes, the motion carried. Also noted, Malcolm "Pete" Wood Memorial Fund of the Community Foundation for Oceana County has covered the cost of the bands playing this year at the Golden Township park at Silver Lake Sand Dunes.

Truth & Taxation Hearing: The public hearing will take place on Tuesday, August 13, 7:15 pm

Zoning: There have been 45 permits so far this year which includes 8 new homes. There have been 180 rental permits. Mr. Draper also mentioned that he attended a FEMA class today. The picnics may be changed from Tuesday to Thursday to eliminate conflict for township residents with the board meeting.

Form changes: A complaint form was created for the township and the outdoor gathering permit application has a new line that reads as follows: Security has been addressed and approved by the Oceana County Sheriff's Department (with date and signature line for Sheriff).

Reports:

Park: Grant agreement for land acquisition has been approved, but the title search must be completed and submitted before grant monies will be sent to the township.

Fire: An investment fund has been set up for the fire department in which capital improvement funds will likely be put.

Planning Commission: Approval was given for a coffee roasting company in the township that will be run out of the owner's garage.

The master plan public hearing will be held on August 27 at 7:30 pm.

Sewer meetings: Mr. Draper and Mr. Whelpley met with representatives from the health department concerning septic systems and a public meeting of approximately 100 people met on Saturday, July 6, 2019 to discuss solutions for cleaning up Silver Lake as the residents rejected the township proposed sewer system.

Zoning Violation Fines: Motion by Mrs. Cargill, supported by Mr. Walsworth to increase the zoning violations as follows: 1st offense \$200; 2nd offense \$400; 3rd offense \$800 for violations that occur in the same year. Roll call all yes, the motion carried.

Road: Tar and chip to be done on Lake Road, and Taylor. 18th Avenue has been done already.

New Business:

Motor Trend Sand Jam: Bill Kolenda gave an update on this event that will take place in tandem on the Sand Dunes and Golden Sands Golf Course on September 6 and 7, 2019. There will be parking at the golf course and transportation to and from the Sand Dunes.

Road Abandonment: Mark Brookens & Tom Worth want to abandon 3 "roads or alleys" that have never existed in reality on their properties as follows: Abandon Alley between the properties of Tom Worth and Mark Brookens between lots 7-14 and 16-22 in Block 24, Abandon diagonal road way of West Street between 4th street (West Fox Road) and 9th Street, Abandoned alley way in block 27 between Charles street and West street. Motion by Mr. Beggs, supported by Mrs. Cargill stating that we have no objection to the road/alley abandonment. All yes, the motion carried.

Applefest: Motion by Mrs. Cargill, supported by Mr. Walsworth to approve the outdoor gathering permit for Applefest once the sheriff's office has signed stating: security has been addressed and approved by the Oceana county Sheriff's Department. All yes, the motion carried.

Procedures for Granting and Removing Real Property Exemptions Policy: Motion by Mrs. Cargill, supported by Mrs. Iteen to approve this new policy as written below: All yes, the motion carried.

Procedures for Granting and Removing Real Property Exemptions

Golden Township is abiding by the recommendations made by the State Tax Commission in Bulletin 26 of 2017 when granting and removing real property exemptions.

Initial Request

Taxpayers who wish to apply for real property exemptions in Golden Township, must first complete and submit an application adopted by the Township Board. The completed application will be scanned and retained on file and will include all documents submitted by the taxpayer to support the request for exemption. The Assessor shall review the application and either approve or deny the application. Written notice shall be provided to the taxpayer.

Existing Exemptions

Existing exemptions shall be reviewed annually by either visiting the property and / or reviewing the exemption file. Adjustments to the status of the exemption may be made by the Assessor upon review. The Assessor may request that a new application be completed as part of the review process if it is believed that the exemption status of an applicant has changed.

Removing Exemptions

If the Assessor has sufficient evidence that the taxpayer no longer qualifies for the real property exemption, they need to immediately remove the exemption and send proper notification to the taxpayer outlining their appeal rights. If the Assessor does not receive sufficient supporting documentation accompanying the application the Assessor should also send the taxpayer denial information along with their appeal rights. The Assessor does not have the authority to grant/approve exemptions that are not complete. Applications that are submitted without proper documentation are considered to be incomplete.

ADOPTION:

This exemption policy was adopted by the Golden Township Board on the 9th day of July 2019.

Rachel Iteen, Township Clerk

L-4029: Motion by Mrs. Cargill, supported by Mr. Walsworth to approve the millage results on the L-4029. All yes, the motion carried.

Short Term Rental Ordinance Amended:

At a regular meeting of the Golden Township Board held at the Township offices on July 9, 2019, beginning at 7:30pm, Township Board Member Cargill made a motion to adopt this Ordinance which motion was seconded by Township Board Member Beggs.

**AN AMENDMENT TO THE GOLDEN TOWNSHIP SHORT-TERM RENTAL ORDINANCE
TO SPECIFY NATURE OF VIOLATION**

The Township of Golden, Oceana County, Michigan Ordains:

Article 1: Intent, Purpose, and Short Title

Section 1.1 Intent and Purpose

The Golden Township Board has determined that to protect the health, safety, and general welfare of its residents and visitors it is necessary to set rules and require permits for the short-term rental of single family and two-family dwellings within the township. **The Golden Township Board has further determined that a violation of this ordinance will cause irreparable harm to the health safety and welfare of its residents and/or visitors, and for that reason, such violation is hereby declared a public and per se nuisance. (Amended 7-9-2019)**

Section 1.2 Short Title

This Ordinance shall be Known and may be cited as the Golden Township Short-Term Rental Ordinance, and hereafter be referred to as “this ordinance”.

Article 2: General Interpretations and Definitions

Section 2.1 General Interpretations

For the purposes of construction and application of this ordinance the following shall apply. Words used in the present tense include the future tense, words used in the singular include the plural, and words use in the plural include the singular. The word “shall” is always mandatory and not discretionary or directory. Any word or term that is not defined shall be defined by common or standard usage. The term “the township” shall mean Golden Township in Oceana County, Michigan.

Section 2.2 Definitions

Dwelling: One or more rooms designed for occupancy and used as a self-contained housekeeping unit for one family, including kitchen, sleeping, and sanitary facilities.

Family: Family means one person, two persons, two unrelated persons; or where there are more than two persons residing in a dwelling, persons classified as constituting a family shall be husband, wife, son,

daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, step-children, legally adopted children, or any combination of the above persons living together in a single dwelling unit. Domestic Unit: A domestic unit is a collective number of individuals living together in one dwelling unit whose relationship is of regular and permanent nature and having a distinct domestic character or demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all living and cooking as a single housekeeping unit.

Proof: Anyone seeking the rights and privileges afforded a member of a family or a domestic unit by this ordinance shall have the burden of proof by clear and convincing evidence of each of the elements of a family or domestic unit.

Off Street Parking Space: an area on a lot or parcel of property, not within the setback area or a public or private right-of-way, nine feet wide and twenty feet long for parking vehicles or trailers. A vehicle and trailer together will constitute two parking places.

Short-Term Rental: a single-family dwelling, two-family dwelling and accessory buildings leased or occupied for non-agricultural rental purposes for periods of thirty days or less from April first thru November first each calendar year.

Single Family Dwelling: a dwelling that is designed for occupancy and use by one family with kitchen, sleeping, and sanitary facilities.

Sleeping Facilities: any room for sleeping that meets the state code for egress and contains a bed, hide-a-bed, futon, cot, bunk bed, or any item normally used for sleeping.

Two Family Residential Dwelling: a dwelling designed for occupancy and use by two families living independently of each other in separate dwelling units with kitchen, sleeping and sanitary facilities in each unit.

Article 3: Regulations

The following regulations shall apply.

Section 3.1: Overcrowding

No sleeping facility shall be occupied as to provide less than 300 cubic feet of air space per occupant, exclusive of bathrooms, toilet rooms, and closets.

Parking 3.2: Parking

The number of off-street parking spaces for single-family or two-family residential dwelling used as a short-term rental shall be as follows:

1. Short-term rental on a lot up to 5000 square feet, maximum of four spaces.
2. Short-term rental on a lot of up to 8000 square feet, maximum of six spaces.
3. Short-term rental on a lot of 8001 square feet or more, a maximum of ten spaces.

Article 4: Application, permit, – fees, violations and remedies.

Section 4.1 Application

An application supplied by the township shall be submitted each year to the Zoning Administrator no later than January 31 for a permit to operate a single-family or two-family dwelling as a short-term rental. The application shall contain the number of sleeping facilities, the lot size in square feet, the number of allowed parking spaces, and other requirements deemed necessary by the Township to meet the intent and purposes of this ordinance. A copy of the tenant rules shall be submitted with the application.

Section 4.2 Permit

Upon receipt of the application and fee the Zoning Administrator shall approve or deny the permit. If the application is denied it must be done in writing within ten business days of the denial and state the reason for denial. A permit shall be denied or revoked for misrepresentation or fraudulent information on the application or failure to meet all the ordinance and application requirements. An approved permit shall be good for one year. The permit may be revoked for failure to follow the requirements of the ordinance during its term.

Section 4.3 Application Fee

The application fee shall be set by the township and reviewed annually. It shall be submitted with the application and is not refundable for denial.

Section 4.4 Violation and remedies

It shall be a **civil** violation of this ordinance to rent or lease a short-term rental unit, or to accept payment for a future short-term rental, or to advertise a single-family dwelling, two family dwelling or accessory buildings for future short-term rental without first obtaining a permit under this ordinance. **Further, any such violation of this ordinance shall constitute a public nuisance and shall be a nuisance per se. Each day that a short-term rental unit is rented or leased without first obtaining a permit pursuant to this ordinance shall constitute a separate and distinct violation of this ordinance for which separate and distinct fines may be levied.** In addition to any penalty or fine or other remedy otherwise allowed, a court may award injunctive relief **to stop violation(s)**, and shall award costs and attorney fees, for a violation of this short-term rental ordinance. **(Amended 7-9-2019)**

Article 5: Effective Date

Section 5.1

This Ordinance was duly enacted by the Golden Township Board at a regularly scheduled meeting on May 9, 2017 and published in the Oceana Herald Journal. The effective date shall be January 1, 2018.

The amended ordinance, duly enacted on July 9, 2019, shall be published in the Oceana Herald Journal on July 18, 2019, and shall be effective August 18, 2019.

Article 6: Severability (Amended 7-9-2019)

In the event that any one or more sections, provisions, phrases, or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this ordinance.

The vote in favor of adopting the above-stated ordinance as amended was as follows:

Yeas: Cargill, Beggs, Walsworth, Iteen, Fuehring

Nays: None

Absent: None

MOTION CARRIED AND ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the forgoing is a true statement of an action taken by the Golden Township Board at an official meeting of said board on July 9, 2019.

Clerk’s signature

Date

Meeting adjourned at 8:14 pm.

Respectfully submitted by,

Rachel Iteen
Golden Township Clerk