

GOLDEN TOWNSHIP
Oceana County, Michigan

Ordinance #52
Adopted: January 16, 2018
To Replace Ordinance #51
Amended: June 8, 2021

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.

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 a public or private right-of-way. Each parking space must be nine (9) feet wide and twenty (20) feet long for parking vehicles or trailers. A vehicle and trailer combination will require two (2) parking spaces. (Refer to section 3.3 Emergency Access) (Revised 3-2-2020)

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 1 thru March 31 each calendar year. (Revised 3-2-2020)

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, closets and kitchens. (Revised 3-2-2020)

Section 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.

Section 3.3: Emergency Access

An application must show provision and maintenance of an emergency, unobstructed access of at least twenty feet wide from the road right-of-way to the primary structure. (Revised 3-2-2020)

Section 3.4: RV Rental – Septic Hookup

A Recreational Vehicle's (RV's) sanitary system shall be connected to an on-site waste treatment system approved and permitted by District Health Department #10. The RV shall be situated so as to meet all Township zoning setback requirements, and shall be permitted only with a permit issued pursuant to the Township's Short-Term Rental Ordinance #52. Any application for a Short-Term Rental Ordinance permit shall be accompanied by a permit from District Health Department #10. (Revised 6-8-2021)

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 February 28 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. (Revised 3-2-2020)

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.

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 June 8, 2021 shall be published in the Oceana Herald Journal on June 24, 2021, and shall be effective June 25, 2021.

Article 6: Severability

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, Kolenda, Iteen, Fuehring, Beggs

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 June 8, 2021.

Clerk's signature

Date