

BROOKS TOWNSHIP
NEWAYGO COUNTY, MICHIGAN

**SHORT-TERM RENTAL ORDINANCE
ORDINANCE NO. 2024-103**

AN ORDINANCE TO REGULATE SHORT-TERM RENTALS IN BROOKS TOWNSHIP,
NEWAYGO COUNTY, MICHIGAN

BROOKS TOWNSHIP, NEWAYGO COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Purpose.

Brooks Township finds that the short-term rental of single-family dwellings in Brooks Township is closely connected with the community's public health, safety, and welfare. This Ordinance is enacted to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in short-term rental of single-family dwellings as defined in the Brooks Township Zoning Ordinance.

While visitors to the community who rent single-family dwellings on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding traffic, parking, congestion, litter, noise, and similar matters. Meanwhile, fire safety and life safety issues must be considered to maximize the safety and well-being of all residents and visitors of Brooks Township.

Single-family dwellings are the predominant type of dwelling in the community. Thus, this Ordinance will permit and regulate short-term rentals of only single-family dwellings.

Section 2. Definitions.

When used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section:

Dwelling – Shall have the same definition as in the Brooks Township Zoning Ordinance, as amended.

Local Agent – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance and to respond to calls from renters, concerned citizens, and representatives of the Township. The local agent must live or maintain a physical place of business within 20 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

Occupant – An individual who is living in, sleeping in, or otherwise having possession of a space.

Owner – A person holding legal or equitable title to a single-family dwelling. An owner may designate an agent to perform duties or receive notice under this Ordinance.

Rent or Rental – The permission, provision, or offering of possession or occupancy of a single-family dwelling with some remuneration paid to the owner for a period of time to a person who is not the owner, pursuant to a written or verbal agreement.

Short-term Rental – The rental or subletting of a single-family dwelling for compensation for not more than 29 consecutive nights. Transitional houses operated by a charitable organization, group homes such as nursing homes and adult foster care homes, substance-abuse rehabilitation clinics, mental health facilities, and other similar health-care-related facilities shall not be considered short-term rentals.

Section 3. Applicability, Exceptions.

1. This Ordinance shall apply only to short-term rentals in Brooks Township.
2. The following circumstances do not constitute a short-term rental:
 - A. Family Occupancy. Any member of a family, as defined in the Brooks Township Zoning Ordinance, as well as that family member's guests, may occupy a dwelling as long as that family member's family or an entity in which the family member has ownership or control interest owns the dwelling and the occupancy is without remuneration to the owner.
 - B. House Sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
 - C. Dwelling Sales. Occupancy of up to 29 days by a prior owner after the sale of a dwelling under a rental agreement following closing is permitted.
 - D. Estate Representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration, is permitted. The estate shall notify the Township of the owner's name, date of death, and name of the person occupying the premises.
 - E. Migrant Housing. The temporary or seasonal occupancy of a dwelling unit by migratory workers is permitted pursuant to applicable state and local regulations.

Section 4. Short-Term Rental Regulations.

Single-family dwellings used as short-term rentals are subject to the following requirements and performance standards.

1. Street Address.
 - A. The single-family dwelling used as a short-term rental must have a street number marker visible from the road and in compliance with any state or local laws or regulations.
 - B. The street address of the property shall be posted in at least two prominent locations

within the single-family dwelling in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and any telephone or pool.

2. Occupancy.

A. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with applicable law.

B. No accessory building or accessory-dwelling unit, camper, tent or similar arrangement shall be used for short-term rental purposes.

3. Availability of Owner/local Agent. The owner or local agent must be available to accept telephone calls at all times that the short-term rental is rented.

4. Parking. Off street parking will be available.

5. Adequate trash receptacles. All single-family dwellings used as short-term rentals must have and use adequate trash receptacles. Trash must be kept in a closed container and disposed of regularly by a licensed waste hauler.

6. Quiet Hours. 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 and shall comply with the Brooks Township Noise Ordinance.

Section 5. Severability. Should any portion of this Ordinance/ordinance amendment be declared invalid or unconstitutional by a court of competent jurisdiction, that shall not affect any other portion or provision of this Ordinance/ordinance amendment, which shall remain valid and in full force and effect.

Section 6. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment adoption appears in the newspaper (or a summary thereof appears in the newspaper) as provided by law.

The vote to approve and adopt this Ordinance/ordinance amendment was as follows:

YEAS: Nelson, Badgero, Miller, Hummel _____

NAYS: _____

ABSENT/ABSTAIN: Schultz _____

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Brooks Township as of the date, time, and place as specified above, pursuant to the required statutory procedures.

Jennifer Badgero
Brooks Township Clerk