

**Charter Township of Flushing
Genesee County, Michigan
CHAPTER 16 ARTICLE 8**

THIS ORDINANCE SHALL BE KNOWN AS THE SHORT-TERM RENTAL ORDINANCE.

The Township of Flushing Ordains:

Section 1: Purpose

The Flushing Township Board finds and declares as follows:

- A. The township wishes to preserve and retain the residential community character of the Township.
- B. These standards are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhoods in which rentals are located. All rentals shall meet the standards contained herein and shall be so located and constructed that the average neighbor, under normal circumstances, will not be aware of its existence. These standards are also to provide for and protect the welfare of full-time residents and to discourage the purchasing of property for vacation rental uses.
- C. It is the intent of the Flushing Township Short Term Rental Ordinance to make the Short-Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- D. The transitory nature of occupants of Short-Term Rentals makes continued enforcement against the occupants difficult.
- E. The provisions of this ordinance are necessary to prevent any burden placed upon county and township services and any impact on residential neighborhoods posed by Short Term Rental homes.

Section 2: Applicability and Exceptions

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Flushing Township Code of Ordinances.

Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations or bylaws, or rental agreements.

The following circumstances do not constitute a short-term rental:

- A. Family occupancy. Any member of a family, 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 an ownership or control interest owns the dwelling and the occupancy is without remuneration to the owner. Family occupancy also exempts guest houses or similarly separate dwellings legally located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, 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 90 days by a prior owner after the sale of a dwelling under a rental agreement following closing 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. Occupancy in excess of 30 days is not a short-term rental.

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the property (or portion thereof) used as a Short-Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short-Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs their functions through a managing agent of any type or character, other than an employee, or where the operator performs their functions through a rental agent, the managing agent or the rental agent has the same duties as their principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short-Term Rental.

Parking space. A space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short term rental. The commercial use of renting a dwelling unit for a period of time less than fourteen (14) consecutive calendar days. Short term rental does not include a bed and breakfast permitted and operated in accordance with the Flushing Township Zoning Ordinance. (36-1804) K

Section 4: Short Term Rental Standards

All short-term rentals must meet the following standards:

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short-Term Rental property.
- C. Flushing Township will limit the number of Short-Term Rental Permits to a total of fifty (50) per calendar year. There are no restrictions on the number units operated by a single individual.
- D. Local Contact Person:
 1. Each owner of a Short-Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
 2. The local contact person must be available twenty-four (24) hours a day during the rental period and be within thirty (30) minutes travel time of the property (or portion thereof) used for a short-term rental.
 3. The phone number of the local contact shall be provided to the Flushing Township Police Department.
 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.
- E. All parking associated with the Short-Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area. No parking will be allowed on grass.

- F. Special events, outdoor events, lawn parties, weddings, or similar activities are not allowed on the site for more than the number of permitted occupants.
- G. Chapter 8 of the Flushing Township Code of Ordinances shall have authority over pets. Pets shall be secured on the Property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer.
- H. Fireworks of any kind are not allowed on rental property except in accordance with the Flushing Township Code of Ordinances Chapter 20 Article 3.
- I. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned. Subject of Flushing Township Code of Ordinances Chapter 5 Article 1.
- J. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- K. The owner shall maintain a septic system or sewer connection that is in substantial compliance with the Genesee County Health Department standards.
- L. 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 7:00 AM. The Flushing Township Code of Ordinances Section 18-80 shall also apply.
- M. The allowance length of stay is capped at fourteen (14) days for any guest(s).
- N. The owner shall require these standards be met by renters as part of all rental agreements.
- O. When a short-term rental property is sold, the permit will expire at sale and is not transferable; permit will revert to Flushing Township after expiration, sale, revocation or twelve (12) months of non-activity and will be redistributed according to this ordinance.
- P. Prior to the issuance of a permit, Flushing Township Building Official or designee shall conduct an inspection of the proposed short term rental to determine compliance with the standards herein and all applicable zoning, building, health and safety codes. A permit shall not be issued without a satisfactory determination by the Building Official. A request for a renewal permit shall also require a satisfactory inspection by the Building Official.
- Q. After Inspection by the Building Official, and upon determination that a short-term rental applicant has met all requirements of this ordinance, a permit shall be issued by the Zoning Administrator.

Section 5: Owner Responsibilities

- A. The owner must ensure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly

conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct when notified that occupants are violating laws regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place themselves in harm's way.

Section 6: Short Term Rental Permit

- A. Any dwelling rented during a calendar year requires a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short-Term rental property.
- C. The following application elements are required prior to receipt of a Short-Term Rental Permit or permit renewal.
 - 1. A fully completed and signed Short Term Rental Permit Application form provided by Flushing Township including all the required supplemental documents.
 - 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short-Term Rental.
 - 3. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
 - 4. The owner will certify the presence of working smoke and carbon monoxide detectors located per manufacturers recommendations and any local governmental code or standard by signing the initial or renewal application form.
 - 5. The owner will consent to inspections and making the unit available for inspections upon request.
- D. A Short-Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for the following year is guaranteed if reapplication is applied for as provided for in the Short-Term Rental Application Policy. A fee shall be charged as per the Charter Township of Flushing's User Fees.

Section 7: Violation and Administrative Penalties

- A. Any of the following conduct is a violation of the Short-Term Rental ordinance:
 - 1. Any advertising or leasing of a short-term rental without first having obtained a short-term rental permit.
 - 2. The permit holder has failed to comply with the standard conditions specified in the Short-Term Rental Standards section of this ordinance.
 - 3. The permit holder has violated any of the provisions of this ordinance.

4. Any false or misleading information was supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:
1. For a first violation within a calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 4. If there are one or more violations each year during three (3) consecutive year period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Flushing Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- D. The Flushing Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.
- E. It shall be unlawful for any person to operate a short-term rental while the license is suspended or revoked.

Section 8: Severability

If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.