

MARKEY TOWNSHIP  
ROSCOMMON COUNTY, MICHIGAN  
SHORT-TERM RENTAL ORDINANCE

ORDINANCE #59

ADOPTED: April 10, 2023

EFFECTIVE: May 12, 2023

At a duly called meeting of the Township Board of Markey Township, Roscommon County, Michigan, held at Markey Township Hall on April 10, 2023 at 7:00pm, Board Member Pray moved to adopt the following ordinance, which motion was supported by Board Member Tussey.

*An Ordinance enacted under 1945 PA 246, as amended, to protect the public health, safety, and general welfare of persons and property in Markey Township by the licensing and regulation of Short-Term Rentals, to provide procedures for the suspension and revocation of Short-Term Rental Licenses, and to provide for enforcement and civil penalties for violations of this Ordinance.*

MARKEY TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

**Section 1. Purpose:** This Ordinance is intended to protect the public health, safety, and general welfare of persons and property by requiring the licensing of Short-Term Rentals within the Township. This Ordinance is also intended to protect the integrity, permanence, non-transience, and other essential single-family qualities of residential neighborhoods composed primarily of single-family dwellings.

**Section 2. Applicability:** This Ordinance requires any qualified person who desires to operate a Short-Term Rental within the Township to obtain a License under the terms and conditions of this Ordinance.

**Section 3. Definitions:** The following words and phrases shall have the following meanings:

- A. **Bedroom.** A separate room intended for sleeping or placement of a bed, separated from other spaces in the Dwelling Unit by one or more functional doors. A kitchen, dining area, gathering space, attic, or basement shall not be considered a Bedroom, with the exception of basements or attics with separate egress meeting the standards of the applicable building, residential, and fire codes.
- B. **Dwelling.** A building containing one or more Dwelling Units.
- C. **Dwelling Unit.** A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation. A Dwelling Unit shall not include an adult

motel, bed and breakfast, cabin court, hotel or motel, and lodging house as those terms are defined and regulated under the Township Zoning Ordinance.

- D. **Immediate Neighbors.** The Owners and/or Occupants of property that are contiguous to the premises on which the Short-Term Rental is located and the property that is separated from the premises on which the Short-Term Rental is located by a public or private road. For the purpose of this definition, a property is separated from the premises on which the Short-Term Rental is located by a public or private road if any portion of the property, as measured between the property's side lot lines are extended to the center of the road, is contiguous with the premises on which the Short-Term Rental is located, as measured between the premises' side lot lines as extended to the center of the road.
- E. **License.** A Non-Transferable Short-Term Rental License issued pursuant to the terms of this Ordinance, valid for a period of one (1) year from the date of issue.
- F. **License Holder.** The person or entity applying for and receiving a Short-Term Rental License from the Township.
- G. **Local Agent.** An individual designated to oversee the Short-Term Rental of a Dwelling Unit in accordance with this Ordinance.
- H. **Occupant.** An individual at least 24 months of age who is living in, sleeping in, or otherwise in possession of a Dwelling or Dwelling Unit. An individual present in a Dwelling Unit during the term of a Short-Term Rental shall be presumed to be an Occupant unless circumstances clearly indicate that the individual is a Visitor as defined by this Ordinance.
- I. **Owner.** Any person or entity holding legal or equitable title to the premises (or portion thereof) used as a Short-Term Rental.
- J. **Short-Term Rental.** A Dwelling Unit in which overnight accommodations are provided or offered to transient guests for compensation, often advertised and booked through websites including but not limited to Airbnb, VRBO/HomeAway, FlipKey, VacationRentals.com, and Booking.com. The rental of a Dwelling Unit or portion thereof for a period of time from 1 night to 29 nights shall be prima facie evidence that the same is being used as a Short-Term Rental. A Short-Term Rental shall not be considered or construed to include approved bed & breakfast establishments, hotels, motels, resorts, long-term tenant housing (e.g., a single-family dwelling or multiple-family dwelling such as an apartment that is rented to tenants on a permanent or semi-permanent basis), or campgrounds.
- K. **Special Event.** Outdoor parties, law parties, weddings, family reunions, bachelor/bachelorette parties, receptions or any other events that exceed the maximum number of Occupants allowed.
- L. **Township.** Markey Township.
- M. **Visitor.** An individual visiting a Short-Term Rental between the hours of 8:00 am and 11:00 pm, who will not stay overnight. A Visitor shall not be considered an Occupant.

**Section 4. Registration and Licensing Required:** No person or entity shall engage in the Short-Term Rental of any property without first registering that property as a Short-Term Rental with the Township and obtaining the License required by this Ordinance. Only an Owner shall be permitted to be a License Holder under this Ordinance.

**Section 5. Application:** A Dwelling Unit shall be considered registered, and a License allowing a Short-Term Rental may be issued by the designated Township official, upon an Owner providing an application containing the following information:

- A. The name, address, telephone numbers (home, work, or cell phone) and email address of the Owner of the proposed Short-Term Rental.
- B. An affidavit signed by the Owner of the Proposed Short-Term Rental, granting authority to the applicant to act on behalf of the Owner to request a License under this Ordinance if the applicant is not the Owner.
- C. The name, address, telephone numbers (home, work, or cell phone) and email address of the applicant, if different than the Owner.
- D. If the Owner of the proposed Short-Term Rental does not qualify as or does not desire to be the Local Agent as defined in this Ordinance, then the written designation by the Owner of a Local Agent, including the name, address, telephone numbers (home, work, or cell phone) and email address of the Local Agent shall be provided.
- E. The address of the proposed Short-Term Rental.
- F. Parcel Identification Number for the proposed Short-Term Rental.
- G. Proof of Ownership.
- H. Any deed restrictions or use limitations in the subdivision covenants and restrictions or the condominium mater deed and/or bylaws applicable to the Short-Term Rental premises.
- I. A floor plan drawing of the proposed Short-Term Rental that includes the number of Bedrooms intended to be occupied as part of the Short-Term Rental.
- J. A drawing of the premises on which the Short-Term Rental will be located that includes all buildings on the premises and the location where all motor vehicles, boats, campers, and trailers will be parked.
- K. The number of off-street parking spaces provided for the Dwelling Unit.
- L. The maximum number of Occupants to which the Owner intends to rent the Dwelling Unit in any given rental period.
- M. The length of the typical rental period for which the Owner intends to rent the property.
- N. Photographs of the Short-Term Rental premises documenting compliance with the Township Anti-Blight and Nuisance Type Activity Ordinance.
- O. An application fee, as established by the Township Board by resolution from time to time.
- P. An annual License fee, as established by the Township Board by resolution from time to time.

- Q. Proof of consent from all residents located on the same private road or shared access easement as the Short-Term Rental premises, if applicable.

**Section 6. Regulations:** All Short-Term Rentals shall at all times comply with the following requirements and conditions. Failure to abide by any of these requirements or conditions may result in the revocation of a License, and may be considered grounds to deny or deny renewal of a License in the future:

- A. The maximum occupancy for any Dwelling is two (2) Occupants per Bedroom plus four (4) additional Occupants. The use of campers, recreational vehicles, tents, or other temporary dwellings to provide additional occupancy on the premises is not permitted. Occupants may have Visitors, provided that the total number of Visitors does not exceed the total number of Occupants. No Short-Term Rental shall be occupied by more than twelve (12) Occupants under any circumstances.
- B. The Owner or Local Agent shall maintain a list of all Occupants and their places of residence, which shall be produced to the Township upon request.
- C. The Short-Term Rental shall not be used for Special Events as defined by this Ordinance.
- D. Motor vehicles, boats, campers, and trailers shall be parked on the Short-Term Rental property and not parked on any public or private road or the adjacent right-of-way.
- E. All pets shall be confined on the property or on a leash at all times. Any pet that causes frequent or long-continued noise shall constitute a violation of the Township Noise Ordinance and this Ordinance.
- F. No fireworks shall be used on the premises of a Dwelling Unit registered under this Ordinance when it is being used as a Short-Term Rental.
- G. All Dwellings and Dwelling Units available for Short-Term Rental are subject to the requirements of all Township ordinances, including without limitation the Township Zoning Ordinance. In the event of a conflict between the Ordinance and any other ordinance, the more restrictive regulation shall apply.
- H. No Short-Term Rental may be established on any premises located on a private road or a shared access easement unless the Owner or applicant provides the Township with proof that all residents on the same private road or shared access easement have consented in writing to the premises being used as a Short-Term Rental.

**Section 7. Local Agent Regulations:**

- A. All Dwelling Units available for Short-Term Rentals shall have a designated Local Agent.
- B. A Local Agent is responsible for responding to calls from Occupants, Visitors, Immediate Neighbors, concerned citizens, and Township representatives 24-hours per day, every day of the week, including holidays.

- C. A Local Agent must reside within 60 minutes of the Dwelling Unit used for Short-Term Rentals and shall have a key to the Dwelling and be capable of being physically present on the property within 60 minutes of being informed of an issue.
- D. An Owner meeting the criteria of this section may be a Local Agent.

**Section 8. Required Postings:** All Dwellings available for Short-Term Rental shall post the following information in a prominent location near the front door of the Dwelling:

- A. A name of the Local Agent and a 24-hour telephone number at which the Local Agent can be reached.
- B. The name of the Owner and a 24-hour telephone number at which the Owner can be reached.
- C. The street address of the Dwelling, in order to assist Occupants and Visitors in directing emergency service personnel in the event of an emergency.
- D. The maximum occupancy of the Dwelling Unit as permitted by this Ordinance.
- E. Notifications and instructions as to parking locations.
- F. A copy of this Ordinance, as may be amended from time to time; and
- G. Notification that an Occupant or Visitor may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provision of this Ordinance.

In addition, the Owner or Local Agent must mail or deliver a copy of this Ordinance, the street address and the maximum occupancy of the Dwelling, and the name and 24-hour telephone numbers of the Owner and the Local Agent to all Immediate Neighbors of the Dwelling.

**Section 9. Safety Requirements:**

- A. No Dwelling Unit may be located in a basement or attic, unless the Owner can demonstrate compliance with all applicable building, fire, and residential codes.
- B. The street numbers of the Short-Term Rental shall be affixed to the Dwelling in minimum 4-inch numbers clearly visible from the street and on both sides of the mailbox if available (3 inches if of a reflective material).
- C. A fire escape plan shall be developed and graphically displayed in each bedroom of a Dwelling Unit available for rent.
- D. The Owner shall install and maintain an operational smoke detector in each bedroom and shall further install and maintain at least one carbon monoxide device of the type described in MCL 125.1504 on each floor. These devices shall be tested at least once every 90 days to ensure that they are operational. The Owner shall maintain a log of all testing and maintenance activity, which shall be produced to the Township upon request.
- E. A first-aid kit shall be provided with each Dwelling Unit and shall be located in a prominent area. The Owner shall be responsible for ensuring this kit is regularly restocked.

- F. A fire extinguisher shall be provided for each stove, oven, or other source of flame. No less than one (1) fire extinguisher shall be provided for each Dwelling Unit. All fire extinguishers shall be housed in a clearly visible location and shall be regularly tested to ensure their operational condition.

**Section 10. Penalties:** Any person who violates the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and subject to a civil penalty of \$500.00 for each violation of this Ordinance, as well as the Township's fees and costs in enforcing the Ordinance as permitted by law. Each day that a violation continues to exist shall be considered a separate violation. An Occupant, Visitor, Owner, and Legal Agent may all be fined for the same violations, if deemed appropriate by the Township. In addition, violation of this Ordinance may be grounds for revocation of the License. This Section shall not be construed as precluding the Township from enforcing this Ordinance in any other manner authorized by law, including without limitation, the commencement of a civil action for injunctive or other relief.

**Section 11. Revocation:** Upon a determination by the Township's Ordinance Enforcement Officer that an Owner, Local Agent, Occupant, Visitor, Dwelling, or Dwelling Unit is in violation of this Ordinance, he or she may issue a notice to the property Owner and the Local Agent that the Owner's License has been revoked. This notice shall also inform the Owner of his or her right to appear at a hearing before the Township Board to show cause as to why the License should be reinstated. An application for such a hearing must be made within fourteen (14) days of the notice being served. At the hearing, the Owner shall be permitted the opportunity to demonstrate that the Ordinance Enforcement Officer's initial determination was erroneous, or that a violation was due to extenuating circumstances outside the Owner's control that could not be reasonably anticipated and prevented. For purposes of this Section, extenuating circumstances do not include the acts of Occupants or their Visitors. Upon revocation, a Dwelling Unit cannot be re-registered or licensed for a period of one (1) year and cannot be used for Short-Term Rentals until re-registered and licensed.

**Section 12. Severability:** If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect.

**Section 13. Effective Date:** This Ordinance shall become effective within thirty (30) days of the date of publication of this Ordinance, as provided by law.

**Section 14. Repeal:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Roll call vote:

Yeas: Trustee Donaldson, Treasurer Engle, Supervisor Pray, Clerk Tussey

Nays: Trustee Bell

ORDINANCE DECLARED ADOPTED.

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Rob Pray, Township Supervisor

Clerk's Certification

I do hereby certify that Ordinance No. 59 was adopted at the regular meeting of the Markey Township Board on April 10, 2023. The ordinance was published once in the Houghton Lake Resorter, a newspaper of general circulation in the Township on April 13, 2023, and shall take effect May 12, 2023. Within one week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on April 20, 2023.

ATTESTED:

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**Sheryl Tussey, Markey Township Clerk**  
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