

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN

Ordinance No. 03-14-2024

Adopted: March 14, 2024

Effective: March 24, 2024

An Ordinance to amend Article X, Short Term Rentals, of the Township of Yankee Springs Zoning Ordinance; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF YANKEE SPRINGS
COUNTY OF BARRY, MICHIGAN
ORDAINS:

SECTION 1
AMENDMENT TO ARTICLE X, SHORT TERM RENTALS, SECTION 10.4,
DEFINITIONS OF THE YANKEE SPRINGS TOWNSHIP ZONING ORDINANCE

Article X, Short Term Rentals, Section 10.4 Definitions is revised to read as follows:

Sec. 10.4. - Definitions

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

Dwelling Unit. A permanent structure designed for use by one (1) family or occupant, whether seasonal, year-round, temporary, or other use and shall include multiple dwelling units designed for multi-family or multiple individual occupancy, including but not limited to homes, manufactured homes, multi-unit complexes, condominiums, motels, hotels, cooperatives or any similar use.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, 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 for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for 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 his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his 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. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

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 twenty-eight (28) consecutive calendar days, and for more than a total of fourteen (14) calendar days per year. Short Term Rental does not include campgrounds, hotel rooms, bed and breakfast inns, resorts, boarding houses, transitional housing operated by non-profit organizations, care facilities, nursing homes, or other health care-related homes which are permitted and operated in accordance with the Yankee Springs Township Zoning Ordinance.

Short Term Rental, Commercial. A dwelling unit that is not the primary legal residence of the owner, or is not occupied by the owner at the time when renters are staying in the dwelling unit.

Short Term Rental, Nonconforming. A Commercial Short Term Rental that was registered with the Township under Article X of the Yankee Springs Township Zoning Ordinance as of October 12, 2023 and located within one of the following zoning districts: Suburban Residential (SR), Residential Single Family (RSF), Residential Lake Front (RLF), and Gun Lake Residential Lake Front (GLRLF).

Short Term Rental, Traditional. A dwelling unit that is the primary legal residence of the owner. The owner must reside in and be present overnight at the time when renters are staying in the dwelling unit.

SECTION 2
AMENDMENT TO ARTICLE X, SHORT TERM RENTALS, SECTION 10.5, SHORT
TERM RENTAL STANDARDS OF THE YANKEE SPRINGS
TOWNSHIP ZONING ORDINANCE

Article X, Short Term Rentals, Section 10.5 Short Term Rental Standards is revised to read as follows

Sec. 10.5. – Short term rental standards

- A. All Short Term Rentals must meet the following standards whether or not a permit is required:

1. 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.
2. A separate permit is required for each Short Term Rental.
3. Local Contact Person:
 - a. 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.
 - b. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
 - c. The Township will provide the phone number of the local contact to all neighbors within a two hundred (200) foot radius of the subject property boundaries.
 - d. An owner meeting the requirements of subsections a. through c. above may designate themselves as the local contact person.
4. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area. No more than three (3) vehicles may be parked at a Short Term Rental at any one time during a rental period.
5. The Animal Control Enforcement Ordinance of Barry County 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 (10) minutes or longer, as per the Animal Control Enforcement Ordinance of Barry County.
6. 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. Any fires must comply with Michigan state outdoor burning regulations.
7. 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.
8. The owner shall maintain a septic system or sewer connection that is in compliance with the Barry/Eaton District Health Department standards.
9. 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 p.m. to 7:00 a.m. The Yankee Springs Township Anti-Noise Ordinance shall also apply.

10. The owner shall post these standards in the dwelling unit and require these standards be met by renters as part of all rental agreements.
- B. Traditional Short Term Rental: A Traditional Short Term Rental is allowed as a permitted use in all zoning districts. All provisions of this ordinance shall apply, however, the local contact required by Section 10.5. A.3. shall be the owner of the Short Term Rental.
- C. Commercial Short Term Rental: A Commercial Short Term Rental may be allowed as a special exception use in all zoning districts, except for the following: Suburban Residential (SR), Residential Single Family District (RSF), Residential Lake Front (RLF), and Gun Lake Residential Lake Front (GLRLF). All provisions of this ordinance shall apply.
- D. Nonconforming Short Term Rental: A Nonconforming Short Term Rental may continue subject to compliance with the Short Term Rental Permit provisions of Section 10.7.

SECTION 3
AMENDMENT TO ARTICLE X, SHORT TERM RENTALS,
SECTION 10.7, SHORT TERM RENTAL PERMIT OF THE YANKEE SPRINGS
TOWNSHIP ZONING ORDINANCE

Article X, Short Term Rentals, Section 10.7 Short Term Rental Permit is revised to read as follows

Sec. 10.7. – Short term rental permit.

- A. Any dwelling unit rented for a total of two (2), or fewer, time periods for one (1) week or less during each time period during a calendar year does not require a permit be issued pursuant to this ordinance.
- B. A separate permit is required for each Short Term Rental.
- 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 the 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.
- 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 provisions of this ordinance, renewal of the Permit for next year is guaranteed if reapplication is applied for as provided for in the Short Term Rental Application Policy.
- E. Reserved for future use.
- F. The Township may revoke a Short Term Rental Permit under any of the following circumstances, among others:
1. Sale or transfer of the property on which a Short Term Rental is located.
 2. Expiration of a Short Term Rental Permit without application for renewal by March 1st of the year of application.
 3. Repeated violation of the ordinance. (See Section 10.8)

SECTION 4
AMENDMENT TO ARTICLE X, SHORT TERM RENTALS,
SECTION 10.8, VIOLATIONS AND ADMINISTRATIVE PENALTIES
OF THE YANKEE SPRINGS TOWNSHIP ZONING ORDINANCE

Article X, Short Term Rentals, Section 10.8, Violations and Administrative Penalties is revised to read as follows

Sec. 10.8. – Violations 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. Reserved for future use.
 3. Reserved for future use.
 4. The permit holder has failed to comply or has violated any of the provisions of this ordinance.
 5. 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 violation of Section 10.8 A.1., the penalty is a citation for a municipal civil infraction punishable by a fine of \$2,500.00. Following seven (7) days after the issuance of the citation, each day the violation remains may be a separate offense.
 2. For the first violation of this ordinance other than Section 10.8 A.1. within the same calendar year, the penalty is a citation for a municipal civil infraction punishable by a fine of \$500.00. Each day the violation remains may be a separate offense.
 3. For any subsequent violation within the same calendar year, the penalty is a citation for a municipal civil infraction punishable by a fine of \$1,000.00 and revocation of the Short Term Rental Permit.
 4. If there are one (1) or more violations each year during any three (3) consecutive year period, the permit may be revoked.
 5. All owners, regardless of their interest in the property, may be responsible for the civil infraction.
 6. An owner may appeal a decision to revoke a permit to the Yankee Springs 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 Yankee Springs Township Zoning Administrator is authorized to issue or revoke permits under this ordinance. The Yankee Springs Township Code Enforcement Officer, the Yankee Springs Township Supervisor, the Barry County Sheriff Department, or the Michigan State Police are authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this ordinance.

SECTION 5
SAVINGS CLAUSE

The balance of the Zoning Ordinance except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 6
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 7
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

YANKEE SPRINGS TOWNSHIP
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