*Township of Birch Run*

*Saginaw County, Michigan*

**ORDINANCE #2024-03**

**ADOPTION**:
**PUBLICATION:**
**EFECTIVE**:

**Birch Run Township**

*Short Term Rental Ordinance*

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Article 14 to add Section 14.24 to permit Short-Term Rentals (STRs) by Zoning Permit Approval in the A-1, R-1 and R-2 zoning districts.

THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY, MICHIGAN, ORDAINS:

## **SECTION I – AMENDMENTS TO ZONING ORDINANCE**

The following articles of the Birch Run Township Zoning Ordinance are being amended by the addition, ~~deletion~~, or changes to the text in red.

**Article 14, Section 14.24 – SHORT-TERM RENTALS**

Short-Term Rentals (STRs) shall be permissible in the A-1, R-1 and R-2 Zoning Districts, subject to zoning permit approval:

1. The regulation of Short-Term rentals as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Short-Term Rentals, as defined in this Ordinance, shall comply with the following conditions:
2. The number of Short-Term Rentals in Birch Run Township shall be limited to 20.
3. Owner/Operators:

	1. An individual or entity may not own or operate more than one Short-Term Rental in the Township.
	2. An emergency number of an agent must be provided on the permit. This agent, if not the owner, shall be the responsible party for the property. The agent must be available to contact 24 hours a day during the rental period. The contact phone number will be made available to the police department. The agent shall have access and authority to assume management of the unit and take remedial measures.
	3. The owner of the Short-Term Rental must notify the Township of any changes in ownership or relinquishment of the Short-Term Rental
	4. As a condition precedent to the issuance of the permit, the owner of the Short-Term Rental must sign and acknowledge the Birch run Township Blight Ordinance.
	5. As a condition precedent to the issuance of the permit, the owner must acknowledge they possess an insurance policy on the Short-Term Rental.
	6. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless the Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise as a result of operation of a Short-Term Rental.
4. Only one dwelling unit per parcel may be permitted for use as a Short-Term Rental.
5. All rental lodging is to be exclusively within the dwelling unit and not in an accessory building, a recreational vehicle, camper, boat, tent, etc.
6. Maximum occupancy in a single-family dwelling used as a Short-Term Rental shall not exceed two (2) people per bedroom plus two additional occupants.
7. The number of off-street parking spaces at the dwelling shall be equal to the number of bedrooms plus one (1).
8. Surveillance devices must be installed outside each door at the Short-Term Rental and footage must be available for 7 days. This provision is to minimize crime and other public disturbances and is for the protection of the public safety in the Township.
9. Short-Term Rentals must meet all the applicable requirements of the Zoning District in which they are located and must meet all applicable requirements of the State Construction Code, Health Department and all other applicable regulations, ordinances, and rules.
10. A Short-Term Rental shall not be located within 300’ (feet) of any other Short-Term Rental
11. A renter may not use a Short-Term Rental for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any other similar group activity.
12. A renter may not use any fireworks while staying at the property.
13. PENALTIES
14. Any violation of a provision of this Ordinance, any provision of any other Township Ordinance, the Noise Ordinance, Zoning Ordinance, or any other Township Ordinance or permit or approval process shall be a municipal civil infraction. Any violation of the applicable codes or regulations including but not limited to violations of the State Construction Code or health and sanitation rules or requirements of the Saginaw County Health Department shall be a violation of this Ordinance.
15. REVOCATION
16. The Planning Commission shall have the authority to revoke the permit for the Short-Term Rental, which is the site of a municipal civil infraction, resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of no contest, or a Court’s determination of responsibility or guilt by the owner or any renter. The Planning Commission may also consider revocation if it has been determined that the permit holder, through their application and/or representations to the Planning Commission, have provided any misrepresentation or omission of any material fact, or false or misleading information on the permit. The Zoning Administrator shall give written notice of such violations to the permit holder. After 30 days, the Planning commission may schedule a hearing on the revocation of the Special Use Permit and the hearing will be held according to all applicable Birch Run Township public hearing regulations.

## **SECTION II – SEVERABILITY**

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

## **SECTION III – REPEAL**

All ordinances and provisions of ordinances of the Birch Run Township Zoning Ordinance in conflict herewith are hereby repealed.

## **SECTION IV – EFFECTIVE DATE**

This amendatory ordinance shall be published as required by law and shall take effect 30 days after publication.