

**CITY COUNCIL
CITY OF NEWAYGO
NEWAYGO COUNTY, MICHIGAN**

Ordinance No. 2025-03

At a regular meeting of the City Council for the City of Newaygo held at the City Hall on Monday, April 14, 2025, and commencing at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Council Member Walerczyk and was seconded by Council Member Engemann:

**AN ORDINANCE/ORDINANCE AMENDMENT TO THE CITY OF NEWAYGO
CODE TO PERMIT AND REGULATE SHORT-TERM RESIDENTIAL RENTALS
WITHIN THE CITY OF NEWAYGO, TO ENSURE THE PUBLIC HEALTH,
SAFETY, AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS
THEREOF.**

THE CITY OF NEWAYGO (THE "CITY") ORDAINS:

Section 1. Purpose

The City Council finds that the Short-Term Rental of Single-Family Dwellings within the City of Newaygo is a matter closely connected with the public health, safety, and welfare of the community. The City has enacted this Ordinance/ordinance amendment to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners who wish to engage in Short-Term Rental of Single-Family Dwellings.

While visitors to the community who rent Single-Family Dwellings on a short-term basis bring many benefits to the community, they can also simultaneously create potential problems associated with traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered to maximize the safety and well-being of all in the community. This Ordinance/ordinance amendment is intended to strike a balance between competing interests.

Section 2. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add a new Article III to Chapter 14, which shall be titled as follows:

SHORT-TERM RENTAL REGULATIONS

Section 3. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-15 to new Article III, which provides as follows:

§ 14-15. Definitions.

For the purpose of this Article III, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- **“Bathroom”** means a room containing a toilet, a sink, and a bathtub or shower.
- **“Bedroom”** means a separate room or space used or intended to be used for sleeping purposes.
- **“Camp” or “camping”** means the use of a camping unit or similar temporary shelter for overnight accommodations (11:00 p.m. to 7:00 a.m., or a significant portion thereof) or for other temporary living.
- **“Camping unit”** means overnight temporary and portable sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including a tent, camping trailer, tent trailer, motorhome, travel trailer, pop-up or truck-mounted trailer, recreational vehicle, camper van, or other similar shelter used for temporary living.
- **“Dwelling unit”** means a dwelling for one family, including a condominium, used for residential purposes as a housekeeping unit or a domicile by one or more persons containing cooking, sanitary, and bedroom facilities.
- **“Occupancy”** means the purpose for which a dwelling unit or portion thereof is utilized or occupied.
- **“Occupant”** means any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit. Occupant does not include guests visiting a dwelling unit only between the hours of 8:00 a.m. and 11:00 p.m.
- **“Operator”** means any person who owns or has charge, care or control of a dwelling unit which is offered as a short-term rental.
- **“Owner” or “Landowner”** means the person or entity that holds legal or equitable title to the dwelling unit (or portion thereof) or the lot or parcel where the dwelling unit is located.
- **“Parcel” or “Lot”** means a continuous area or acreage of land under common ownership. “Parcel” or “Lot” includes a single condominium unit.
- **“Person”** means an individual, trustee, personal representative, conservator, receiver, agent, firm, corporation, association, partnership, limited liability company, or other legal entity.

- **“Short-term rental” (STR)** means a dwelling unit, cabin, cottage, or house that is available for rent or use or is used or rented for habitation, accommodation or lodging of lessees, guests, clients, or customers paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time. This definition does not include bed and breakfast establishments, hotels, motels, employee housing, resorts, campgrounds, boarding houses, housing structures where only one or more rooms are rented out to different persons, transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics/homes, mental-health facilities, and other similar health care related facilities.
- **“Short-Term Rental Agreement”** means a written or unwritten lease, agreement, or license between an owner or operator of a short-term rental and an occupant(s) for consideration.
- **“Sleeping Room”** means space, other than a bedroom, used for overnight sleeping purposes.

Section 4. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-16 to new Article III, which provides as follows:

§ 14-16. License Required.

No person shall permit, allow, or offer a dwelling unit to be used as a short-term rental nor enter into a short-term rental agreement concerning a dwelling unit within the City of Newaygo without first obtaining a short-term rental license from the City pursuant to the requirements of this Ordinance.

Section 5. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-17 to new Article III, which provides as follows:

§ 14-17. Application and Fee Requirements.

A landowner seeking a short-term rental license under this Ordinance shall submit a complete application to the City Manager (or designee) and pay the required fee or fees to the City, which shall be determined from time-to-time by resolution of the City Council.

The fee schedule adopted by the City Council may include an enhanced fee for dwelling units found to have been operating as unlicensed short-term rentals in violation of this Ordinance.

The application shall be a form provided by the City and shall include proof of ownership of the dwelling unit involved, and must contain all information reasonably necessary for the City

Manager (or designee) to determine whether the applicable standards for approval have been met.

Section 6. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-18 to new Article III, which provides as follows:

§ 14-18. Standards for Approval.

The City Manager (or designee) may approve, or approve with conditions, a license for an STR only upon a finding that the dwelling unit complies with all of the following standards and other applicable requirements of this Code:

A. Quotas/Caps: No more than five (5) STRs in total may exist within the City at the same time within the RR – Rural Residential, R-1 – Single-Family Residential, R-2 – Single and Two-Family Residential, and R-3 – Multiple Family Residential zoning districts. STRs existing within the other zoning districts (where allowed by the Zoning Ordinance) are not subject to the five STR maximum limit. If the maximum number of STRs exists, a new STR may not be approved in those zoning districts unless one of the existing STRs does not renew its license to operate within 30 days of expiration of the license or the STR license is revoked or abandoned. Upon such occurrence, the oldest unapproved application for an STR on file complete will be reviewed, followed by the next oldest application and so on until the maximum City quota is filled.

B. Location: Subject to the quota/cap specified in Subsection A, above, an STR may exist in any zone of the City except the industrial zone.

C. Residential Zones: STRs located in a residential zoning district (i.e. RR – Rural Residential, R-1 – Single-Family Residential, R-2 – Single and Two-Family Residential, and R-3 – Multiple Family Residential) must be located at least 300 feet from another STR.

D. Maximum Occupancy:

1. Maximum occupancy in a dwelling unit used as a Short-Term Rental shall not exceed the lesser of: (i) 12 total occupants; or (ii) two occupants per bedroom or sleeping room plus two additional occupants per finished story, which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other City, County, state, or federal requirements.
2. In addition to the maximum occupancy specified in subsection (D)(1) above, a dwelling unit used as a Short-Term Rental may have a total number of people on site, including occupants and day-time guests (allowed to be present only from 8 am to 11 pm local time), up to 1.5 times the maximum number of occupants allowed by subsection (D)(1). A fractional number of people allowed shall be rounded up to the nearest whole number.

E. Signage. Every STR must comply with City of Newaygo sign ordinance regulations. In addition, no outdoor signage (whether located outdoors or visible from the road or other properties) regarding the STR shall be utilized in residential zones.

F. Insurance. Short-term rental owners are required to maintain at all times liability insurance of at least \$1,000,000 on each dwelling unit offered for rent that insures, defends, and indemnifies the owner and any tenants for bodily injury and property damage. (This provision would not apply to short-term rentals offered through a hosting platform that maintains equal or greater insurance coverage.) The Owner shall provide to the City confirmation of the existence of the insurance with a copy of proof, each time that the STR is licensed by the City.

G. Per Parcel Limit on Number of Dwelling Units; Multi-Family Buildings. Only one dwelling unit shall be used as an STR per lot or parcel, except that when a lot or parcel lawfully contains more than one dwelling unit, one dwelling unit may be used as an STR provided that the landowner resides in the other dwelling unit. STRs shall not be located in a building with more than four dwelling units or in an apartment complex with more than four dwelling units.

H. Parking. There shall be at least one (1) onsite parking space or one (1) onsite parking space for each bedroom of the dwelling unit, whichever is greater.

I. No Room Rentals. In no event shall an individual room or rooms in a dwelling unit (i.e. less than the entire dwelling unit) be rented to a person, family, or other group of persons as a short-term rental. Nor shall an occupant of a short-term rental sublet a portion of a dwelling unit.

J. Fire Safety and Emergency Access.

1. **Smoke Alarms.** Smoke detectors/alarms shall be installed in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards. d. Fire extinguishers and smoke detectors must be properly mounted and kept fully charged and in good working order at all times.
2. **Locations.** Smoke detectors/alarms shall be installed in the following locations:
 - In each bedroom or sleeping room.
 - Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
 - On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics.

- In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- 3. **Fire Extinguishers.** An operable fire extinguisher shall be mounted at an exit door located on every floor level including the basement.
- 4. **Bedroom and Sleeping Room Emergency Window Access.** Every bedroom and sleeping room shall contain a window meeting current fire code and/or building code standards for ingress and egress in an emergency. No bedroom or sleeping room shall be located in a basement unless the basement contains a doorway open to the outside or contains a window meeting ingress and egress emergency standards.
- 5. **Address.** The address of the premises must be prominently displayed inside the main area of the dwelling, in case of an emergency.
- 6. **Carbon Monoxide Detector.** At least one (1) carbon dioxide detector shall be installed and kept in good working order in each STR dwelling unit.

K. Designated Representative. The landowner of an STR shall identify for the City a current designated representative as a contact person. The landowner shall provide to the City a physical address and a current 24-hour working phone number and email or texting address of the current designated representative to the City. Said designated representative must be available during the rental period and reside within 30 miles of the dwelling unit. Contact information of the designated representative must also be made available in writing to the occupants of the STR and must be displayed prominently in the main part of the dwelling. The designated representative must respond to City or occupant inquiries/communications within 15 minutes of receiving a call, email, text message, or similar communication.

L. Good Neighbor Guidelines. The "Good Neighbor Guidelines" are City guidelines for being a good neighbor. These guidelines must be provided to the occupants.

M. Trash removal. The STR landowner shall provide secure trash receptacles and follow the proper guidelines for weekly trash removal. Dumpsters are not allowed.

N. Other City Codes. The STR must comply with all other City Code and ordinance provisions including, but not limited to, Open Burning, Fireworks and Disturbing the Peace.

O. Rental Contract. The STR rental contract must indicate that the owner or local agents reserve the right to immediately terminate the contract for violations of any City Ordinance or other applicable law.

P. Zoning Compliance. No person shall be granted a short-term rental license unless the dwelling unit is in compliance with the City of Newaygo Zoning Ordinance and City Code. Nothing in this Ordinance shall be construed as excusing compliance with the requirements of the City of Newaygo Zoning Ordinance and all other City ordinances and Codes.

Q. State Law Compliance. No person shall be granted a short-term rental license unless the dwelling unit is in compliance with the State Building Code, State Mechanical Code, State Plumbing Code, National Electrical Code, and the Michigan Fire Prevention Code. Every STR shall fully comply with all such codes at all times.

R. Certification by the Owner. As part of the application, the landowner shall certify that all of the foregoing standards have been met. The City may deny or revoke a license if the statements or representations made on the application are determined by the City Manager to be false or materially misleading. The applicant may appeal the City Manager's decision to the City Council in the manner provided by § 14-21(C) of this Ordinance.

S. Single-Family Use Only. No more than one single family may occupy a dwelling unit used as an STR at one time or the same time. No STR property shall be used for a funeral, wedding, wedding venue, reunion or similar event or activity.

Section 7. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-19 to new Article III, which provides as follows:

§ 14-19. License.

A. Duration. An STR license shall be valid for the year in which the license was obtained. The license year shall be from April 1 until March 31 of the following year.

B. Transferability. An STR license may not be transferred from one dwelling unit to another dwelling unit. An STR may not be transferred from a landowner to a later purchaser of the STR unless a transfer is applied for to the City of Newaygo within 60 days of the closing of the sale and the City approves of such transfer.

C. Display. An STR license shall be displayed on the front door of the dwelling unit or in a conspicuous location on the facade or nearby window not more than five (5) feet from the front door as measured from the edge of the door frame.

D. Maximum Number of Occupants. The STR license shall display the maximum number of occupants permitted at a dwelling unit. No person shall allow or permit a dwelling unit to exceed the maximum number of occupants stated on the license or allowed by this Ordinance.

E. Designated Representative Information. The STR license shall display the contact information for the designated representative for the STR.

F. Inspection. Prior to issuance or renewal of an STR license, the dwelling unit must be inspected by the City for compliance with all City codes and ordinances and the City of Newaygo property maintenance code.

G. Camping Prohibited. No person shall camp or allow any person to camp on the parcel or lot upon which an STR is located. This prohibition includes the use or occupation of tents, bevy sacks, campers, trailer coaches, camper trailers, vehicles, recreational vehicles, travel trailers, camping unit, or any other temporary shelter located on the land upon which an STR is located.

Section 8. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-20 to new Article III, which provides as follows:

§ 14-20. Nuisance.

A violation of this Article is hereby declared to be a nuisance *per se* and is hereby further declared to be offensive to the public health, safety, and welfare. All violations of this Article shall be abated by a court of competent jurisdiction.

Section 9. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-21 to new Article III, which provides as follows:

§ 14-21. Violations; Revocation of License.

A. Violations as Municipal Civil Infractions. Any person who violates any provision of this Article shall be responsible for a municipal civil infraction. Each day that a violation occurs constitutes a separate offense.

B. Revocation of License.

The City Manager may revoke the STR license for any dwelling unit whereby the City Manager finds three (3) or more separate incidents or violations of this Article or the City Code (occurring during at least three separate days) within two calendar years involving a violation of one or more of the following:

- Any provision of the City of Newaygo Code of Ordinances, including this Article.
- Any provision of the City of Newaygo Zoning Ordinance or any permit or approval issued pursuant to the City of Newaygo Zoning Ordinance.
- Any provision of the Michigan Construction Code, the Michigan Residential Code, and/or the Michigan Fire Prevention Code.
- The STR license for the property.
- Illegal drug activity.

C. Revocation Procedure. Upon a determination by the City Manager that the STR license of a dwelling unit is subject to revocation pursuant to subsection (B) above, the City Manager shall issue a written notice to the Owner that the City intends to revoke the license by first-class mail to the address listed on the license. The Owner may within twenty-one (21) days from the date the notice was sent request in a writing filed with the City an appeal and a hearing before the City Council to show cause as to why the STR license should not be revoked. If a hearing is timely requested, the City Manager (or designee) shall notify the Owner of the time and place of the hearing. At the hearing, the Owner may present evidence that the violations were due to or caused by extraordinary circumstances. The City Council may, in its discretion, reverse or modify the determination of the City Manager to revoke the permit by a majority vote of its membership.

D. Duration of Revocation. No STR license shall be issued to an Owner for a period of thirty-six (36) months following the revocation of a license pursuant to § 14-21(C). Also, if the Owner of another STR property applies for an STR license while the STR license of the violating Owner has been revoked and not yet reinstated, then the non-violating Owner with the new application shall have priority under Subsection 14.18(A) hereof, and the violating STR Owner shall be subject to the “caps” thereafter.

E. Cumulative Remedies. The remedies available to the City for the violation of this Article are cumulative and not exclusive or exclusionary. In addition, the remedies and penalties of Section 1.7 of this Code shall also apply.

Section 10. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-22 to new Article III, which provides as follows:

§ 14-22. Enforcement Officials.

The City Manager (or designee), the City Ordinance Enforcement Officer, and any City police officer are hereby designated as the authorized officials to issue and serve municipal civil infractions directing alleged violators of this Article to appear in court.

Section 11. The City of Newaygo, Michigan, Code of Ordinances, is hereby amended to add Section 14-23 to new Article III, which provides as follows:

§ 14-23. Civil Action.

In addition to (or in lieu of) enforcing this Article through the use of a municipal civil infraction proceeding, the City may also initiate proceedings in the Circuit Court for the County of Newaygo to abate or eliminate the nuisance *per se* or any other violation of this Article. Any person determined by the Circuit Court to have violated this Article shall be responsible for all costs, including actual reasonable attorney fees, incurred by the City in the enforcement of this

Article. Such costs of enforcement shall constitute a lien against the parcel upon which the dwelling unit is located, and the City Treasurer shall certify the costs of enforcement to the Tax Assessor or other responsible official, who shall place the same on the next tax roll. The costs of enforcement so assessed shall be collected in the same manner as general City taxes.

Section 10. Severability. If any section, clause, or provision of this Ordinance/ordinance amendment is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance/ordinance amendment, which shall be given effect without the invalid portion or application.

Section 11. Effective Date. This Ordinance/ordinance amendment is effective upon the expiration of the 7th day following its publication in the manner provided by law.

The vote regarding the adoption of this Ordinance/ordinance amendment was as follows:

YEAS: Block, DeVries, Engemann, Fedell, Walerczyk

NAYS: None

ABSENT: Burns

ABSTAIN: None

ORDINANCE 2025-03 DECLARED ADOPTED.

Ed Fedell
Ed Fedell, Mayor

Kim Goodin
Kim Goodin, Clerk

CERTIFICATION

I hereby certify that the above is a true copy of Ordinance No. 2025-03 adopted by the Newaygo City Council at the date, time, and place as specified above, pursuant to the required statutory procedures.

Kim Goodin
Kim Goodin, City Clerk

Adopted: 4-14-2025

Published: 4-30-2025

Effective: 5-8-2025