

**STATE OF MICHIGAN
COUNTY OF MANISTEE
TOWNSHIP OF ONEKAMA**

AMENDED SHORT-TERM RENTAL ORDINANCE

ORDINANCE NO. 2023-001

AN AMENDED ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN ONEKAMA TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF. THIS ORDINANCE REPLACES THE SHORT-TERM RENTAL ORDINANCE NO. 2019-08.

THE TOWNSHIP OF ONEKAMA ORDAINS:

SECTION 1: PURPOSE

The Onekama Township Board finds and declares as follows:

- A. Like many other lakefront communities in Northwest Michigan, Onekama Township ("Township") wishes to reconcile the many different land use interests and concerns that are involved in the short-term rental of single-family residential properties.
- B. Short-term rentals can provide a community, and even a state-wide benefit, by expanding the number and type of lodging facilities available near the lakeshores and other recreational features. They can assist owners of homes by providing revenue that may be used for mortgage, operations, maintenance, upgrades and deferred costs.
- C. However, short-term rental of single-family dwellings can also cause difficulty where the character of the use takes on a more transitory and commercial character akin to a motel or similar use.
- D. It is with these findings and rulings in mind, that it is the intention of the Township that, to the extent that the short-term rental of single-family homes is permitted in the Township, such rental occurs in a manner that remains consistent with the single-family character of the residences and neighborhoods where they are located.

- E. For the foregoing reasons, the purpose of the following regulations is to make the short-term rental activity permitted by this ordinance resemble the existing and traditional single-family residential uses. The regulations are intended to be strictly construed and enforced with this goal in mind.

SECTION 2: DEFINITIONS

Bedroom – A separate room that is used or intended to be used specifically for sleeping purposes, having a door for ingress and egress, and a current Fire and or Residential Code approved egress window of sufficient size to allow a person to exit the window in the event of Fire, and to enable Fire Department response personnel to extract a person from such a window. A bedroom must be a habitable space intended for sleeping purposes and not a room by design intended to serve another purpose including but not limited to a kitchen, dining area, den, family rooms, porch or living rooms

Capacity - Rental capacity is the number of overnight occupants permitted under this ordinance and as listed on the Certificate. The maximum number of overnight occupants shall be limited based upon the number of Bedrooms, or Other Sleeping Areas, as defined in this Ordinance

Dwelling Unit - A structure designed for single-family habitation, located within a building and forming a single habitable unit having facilities that are used or intended to be used for sleeping, cooking, eating, and bathing purposes.

Local Contact Person - An owner, local property manager, agent, or caretaker who is authorized to respond to tenant, Township, 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.

Occupant - Any person who is an overnight guest in the short-term rental, including the renter, and does not include guests who are visiting between the hours of 7:00 am and 11:00 pm.

Other Sleeping Areas – These constitute living rooms, dens, porches, dormers or other locations, used for sleeping, that are distinct from Bedrooms, but which have

a door for ingress and egress, and a current Fire and or Residential Code approved egress window of sufficient size to allow a person to exit the window in the event of Fire, and to enable Fire Department response personnel to extract a person from such a window

Owner – The legal owner of record of the lot or parcel where the Dwelling Unit that is subject to the Short-Term Rental is located.

Parking Space - For purposes of this ordinance, a parking space is a designated parking space for each of the Short-Term rental Occupants. The parking spaces shall be located off-street.

Rental Certificate - A Short-Term Rental Certificate (“Certificate”) duly issued by Onekama Township.

Short-Term Rental - Rental of a Dwelling Unit for overnight occupancy for a period less than 30 days.

Special Events – Means an event in association with a short-term rental, a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity that exceeds the maximum number of occupants allowed under the short-term rental certificate.

SECTION 3: APPLICABILITY

- A. This ordinance applies to all residential Dwelling Units in Onekama Township and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.
- B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, motels, hotels or resorts, waterfront resorts, marinas or RV parks. The hotel and the condominium portions of the Portage Point Inn are also excluded from this Ordinance.
- C. No short-term rental may occur in the Township unless in conformity with the provisions of this ordinance.

SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

- A. A Certificate is required prior to the rental of any dwelling for a period of less than 30 days.
- B. The Township shall provide a Rental Certificate Application that must be filled out completely by the applicant to be considered for a short-term rental certificate. The application shall include the following at a minimum:
 - 1. Address of property and parcel number.
 - 2. Property owner name(s).
 - 3. Local Contact Person name(s) (if different than owner).
 - 4. Contact information including: name, address, email and 24-hour contact phone number for the owner of the property and the Local Contact Person.
 - 5. Signature of property owner(s) and local contact person.
 - 6. Number of Bedrooms in the Dwelling Unit.
 - 7. Capacity of the Dwelling Unit based on the standards in this Ordinance.
 - 8. Number of on-site Parking Spaces as otherwise defined in this Ordinance.
 - 9. Sketch of the property indicating the location and layout of the Dwelling Unit, including the number of, and the size of, the Bedrooms, and Other Sleeping Areas, driveway or other point of access, and designated parking spaces meeting the definition of a Parking Space.
- C. A Certificate issued by the Township shall be valid thru December 31 of each year (January 1 – December 31) unless revoked for cause or until the dwelling is sold.

1. A Certificate will be issued within 15 days of receipt of a complete and approved application and completed inspection.
2. The Certificate shall indicate the Capacity of Occupants that can be accommodated at the rental in accordance with the ordinance, and as attested to by the Owner.
3. A Certificate holder shall be subject to all the standards and penalties of this Ordinance.

SECTION 5: REQUIREMENTS OF THE SHORT-TERM RENTAL OWNER

- A. The Owner shall post the following information on the mailbox for the rental or in a location clearly visible from the street or road serving the property.
 1. Rental certificate number issued by the Township.
 2. Owner name.
 3. Local Contact name & 24-hour phone number.
- B. The short-term rental certificate number issued by the Township and certified Capacity shall be included in any advertisement for the rental unit.
- C. It is the certificate holder's responsibility to inform the Township of any change in caretaker or contact information for the certificate holder or caretaker, or Local Contact Person.
- D. Unless connected to a public sewer system, the owner of the dwelling shall ensure that a properly sized and functioning septic system is maintained. Failure or operational deficiency of the of the sewage waste disposal system shall be grounds for denial and \or immediate revocation of the Certificate authorizing short-term rental of the dwelling. Porta-Jons and similar methods of handling waste are prohibited on short-term rental properties.
- E. Notice to Occupants. This ordinance shall be provided to the short-term rental occupants. In addition, a placard in at least 60-point print shall be posted in a prominent place in the Dwelling Unit describing the foregoing

regulations, including, but not limited to, the Capacity of the Dwelling Unit, the name and contact information for the Local Contact Person, the Quiet Hours and Noise regulations, the location of fire extinguishers, and map showing dwelling exits.

- F. Only one (1) Dwelling Unit per parcel shall be eligible for a short-term rental Certificate. There is an exception where the parcel contains more than one Dwelling Unit that has been used for short term rental purposes historically prior to December 31, 2022. The attached **Appendix A** identifies the properties known to contain more than one Dwelling Unit where short term rentals have occurred prior to December 31, 2022. Each such Dwelling Unit is entitled to apply for a short-term rental Certificate.
- G. Local Contact Person: The Local Contact Person must be available 24 hours per day during the rental period and be within forty-five (45) minutes travel time of the property used for a short-term rental.

SECTION 6: CAPACITY, OCCUPANCY AND FIRE SAFETY REGULATIONS

- A. Fire Protection Devices: A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke / carbon monoxide / fire alarms as may be required by State law or Township regulations, annually tested and certified by the owner as functional, shall be properly installed and placed in Code mandated locations in the Dwelling Unit.
- B. Capacity: The maximum allowable number of Occupants in a short-term rental shall be based upon the number of bedrooms in the Dwelling Unit up to a maximum total of twelve (12) occupants, in accordance with the following:
 - 1. The maximum number of Occupants in a Dwelling shall be calculated based on a formula which reflects three (3) persons for each Bedroom in the Dwelling Unit, and as otherwise discussed in Subsection 4 below.
 - 2. In no case shall the Occupants exceed 12 persons within the Dwelling Unit.
 - 3. This standard does not impose or imply any limit on the number of Occupants allowed in any single bedroom.

4. This standard does not prohibit the use of Other Sleeping Areas for sleeping purposes, and these can be used, in addition to Bedrooms, to determine Capacity, if sufficiently identified within the sketch included with the short-term rental application under Section 4. B. 9. of this Ordinance.
- C. Occupancy and Fire Safety: Any room intended for and used for sleeping purposes, including a Bedroom, and Other Sleeping Areas, shall have a door for ingress and egress, and a current Fire and or Residential Code approved egress window of sufficient size to allow any person to exit the window in the event of Fire, and to enable Fire Department response personnel to extract any person from such a window.

SECTION 7: SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS

- A. Parking: Guests in a short-term rental shall only be allowed to park in identified on-site Parking Spaces as defined in this Ordinance and as shown on the application site sketch. The parking spaces shall be located off-street, on the lot or parcel where the Dwelling Unit is located.
- B. Trash: Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.
- C. Special Events: Special Events are not allowed on the property where the Dwelling Unit is located for more than the number of Occupants permitted under this ordinance.
- D. Capacity Limit: The number of Occupants shall not exceed the Capacity indicated on the Certificate.
- E. Occupants limited to the Dwelling Unit: Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the rental dwelling parcel shall not be included in any calculation of the claimed rental capacity of any dwelling or parcel. All overnight lodging of occupants is to be exclusively within the Dwelling Unit. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents

placed on the property of the Dwelling Unit shall not be used in any manner for overnight occupancy.

Quiet Hours and Noise: Quiet Hours for short term rentals shall be observed every night from 11 p.m. to 7 a.m. 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. One indicator of this standard is whether the level of noise interferes with the sleep of neighboring property owners based upon a reasonable person of normal sensitivities. The terms of the Township's general Noise Ordinance also apply, but these standards supersede the Noise Ordinance where they are more restrictive.¹

F. Fireworks: No fireworks shall be used except in conformance with Onekama Township Use of Consumer Fireworks Ordinance 2019-2 as amended.

G. Pets: Pets shall be secured on the premises or on a leash at all times.

H. Campfires: Any campfires at a short-term rental property shall:

1. Be contained within a fire ring or other comparable container and only burn clean dry wood.
2. Be located no less than 10 feet from any structure or any combustible material, be located away from overhanging tree branches, and be located such that the prevailing winds will not deliver smoke to adjacent residences.
3. Be under the direct supervision of an adult at all times.
4. Be fully extinguished prior to leaving the fire.

SECTION 8: SIGNS.

¹ One of the most cited nuisance aspects of a short-term rental in a single-family residential setting is noise generated by the Occupants. This noise is often related to late-night outdoor or indoor gatherings, or electronic devices. Recognizing that a short-term rental has a commercial character in a single-family residential setting, the quiet hours, noise regulations and exclusion of Special Events, are intended to ameliorate these potential negative impacts. Correspondingly, these noise and related standards may be more restrictive than such regulations generally applicable in the Township, including those of the Township's general Noise Ordinance.

A short-term rental dwelling unit is permitted an on-site identification sign no larger than two (2) square feet in area.

SECTION 9: VIOLATIONS AND REVOCATION OF CERTIFICATE

A. Violations. Any of the following will be considered a violation of this Ordinance:

1. Failure to update information with the Township such as the caretaker or owner contact information in a timely manner.
2. Advertising a short-term rental for a Capacity in excess of that allowed under the Certificate issued by the Township.
3. Failure of the certificate holder or his/her designated Local Contact Person to be available at any time during the tenure of an active short-term rental.
4. Providing false or misleading information on the application for a short-term rental certificate.
5. Failure to obtain a short-term rental certificate when operating a short-term rental.
6. Failure to comply with any other provision of this Ordinance.

B. A short-term rental certificate may be revoked following two separate violations on the same property under the same ownership within any single calendar year. The property owner may reapply for a certificate the following calendar year and receive a short-term rental certificate if all violations have been resolved.

SECTION 10: ENFORCEMENT OFFICIAL.

The Township ordinance enforcement officer, Township Supervisor, any police officer, or any person officially authorized by the Onkama Township Board are

hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

SECTION 11: ENFORCEMENT PROCEDURE & PENALTIES

- A. The Local Contact Person or Owner shall act forthwith to address complaints made about violations of this Ordinance. When the Local Contact Person or Owner has not acted forthwith to address complaints made about violations of this Ordinance, a complaint may be made to an Enforcement Official identified in Section 10. If the Enforcement Official determines that a violation has occurred, the Official shall send a written notice to the property Owner and/or Local Contact Person of the property in violation.
- B. The notice shall describe the location of the property, describe the nature of the violation and the specific provisions of this Ordinance being violated. The Owner or Local Contact Person shall respond to the Official within seven (7) days. If the Owner and/or Local Contact Person fails to respond within seven (7) days, or the response does not adequately address the violation, the Official shall cite the Owner for a municipal civil infraction (or "MCI"), and if found responsible for the MCI, the Owner shall be subject to the following penalty schedule:
 - 1. First violation: Fine not less than \$100 nor more than \$250.
 - 2. Second violation within the same calendar year: Fine not less than \$250 nor more than \$500.
 - 3. Third violation within the same calendar year: Fine not less than twice the amount of the previous fine, but not more than \$500.
 - 4. In addition, with respect to any violation, the Township may recover all of its costs, including attorney fees, incurred by the Township related to enforcement of the violation, and/or revocation of the owner's Rental Certificate.
- D. Tenants of the rental dwelling and / or visiting guests may be separately cited for violations of any ordinance or law, such as excessive noise/violation of quiet hours as defined in this Ordinance, the Township's

general Noise Ordinance (Ordinance PP - 2019-06 & 2005-02), illegal use of fireworks (ordinance PP - 2019-02), and / or for violation of any other ordinance or law regulating personal behavior.

- E. The Township shall also have the right to seek an injunctive order to enforce compliance with this Ordinance as part of a MCI enforcement action in District Court. Each day that this Ordinance is violated shall be considered a separate violation. A violation of this Ordinance is considered a nuisance per se.

SECTION 12: CIRCUIT COURT ACTION AND PRIVATE CIVIL ACTION

In addition to enforcing this Ordinance using a municipal civil infraction proceeding, including injunctive relief, in District Court, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance by injunctive relief. Further, nothing in this Ordinance shall prevent any person who has suffered, or alleges to have suffered, damage to a person property for a violation of this Ordinance, from seeking relief in a Court of competent jurisdiction against the Owner of the Short-Term Rental Ordinance.

SECTION 13: VALIDITY.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 14: EFFECTIVE DATE

This ordinance shall take effect 30 days following the date of its publication.

Voted in Favor:

Voted Against:

Motion is declared Passed by Supervisor David Meister.

_____ David Meister, Supervisor / Date

CERTIFICATION

I certify that this Short-term Rental Ordinance was adopted by the Board of Trustees of Onekama Township, Michigan at a regular meeting held on March 10, 2023

Shelli Johnson, Clerk