

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

SHORT-TERM RENTAL ORDINANCE

ORDINANCE # PP 2019-08

AN ORDINANCE TO REGULATE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN ONEKAMA TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

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 vigorously 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 Code approved egress window or door. A bedroom must be a habitable space of not less than seventy (70) square feet of floor area for single habitation and 50 additional square feet for each additional person, not less than seven (7) feet in one dimension, including height, not located in an attic or basement without egress, meeting all standards in applicable building, residential and fire codes, 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. No overnight occupant shall be lodged in any room other than a bedroom.

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 by the size and number of Bedrooms as defined.

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. 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.

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.

Parking Space: For purposes of this ordinance, a parking space shall be a minimum of 9 feet by 20 feet, located off-street and outside of a road right of way.

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: 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 owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.
- B. No short-term rental may occur in the Township unless in conformity with the provisions of this ordinance.
- C. Only one (1) dwelling unit per parcel shall be eligible for a Certificate and can be leased, subleased, rented or sub-rented at any given time, with the following exception:
 - 1. Parcels with more than one (1) Dwelling Unit as of December 31, 2022, whether currently registered or not, shall be allowed to register and be rented in accordance with 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.
 - 8. Number of Parking Spaces as defined.
 - 9. Sketch of the property indicating the location of the Dwelling Unit, driveway or other point of access, and designated parking spaces meeting the definition of a Parking Space.

- C. Prior to a Certificate being issued, the Township shall conduct an inspection of the premises to verify the accuracy of the information provided in the application, determine Capacity and document compliance with the provisions of this Ordinance. The Owner or Local Contact Person shall provide access to the Township for the purposes of conducting this inspection. The inspection shall occur within 30 days of receipt of a complete application, unless access to the property is delayed.
- D. 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.
 - 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.
- D. Unless connected to a public sewer system, the owner of the dwelling shall ensure that a properly sized and functioning septic system is available. 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. Access to Portage Lake or Lake Michigan: Unless the parcel receiving a rental certificate has lake frontage, no access to the lake shall be granted to Occupants across another private property unless that property is in the same ownership as the rental parcel, or a recorded easement providing access across the adjoining parcel exists and has been provided to the Township.
- F. 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 rental dwelling.
- G. 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 location of fire extinguishers, and map showing dwelling exits.

SECTION 6: SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS

- A. Parking: Guests in a short-term rental shall only be allowed to park in identified Parking Spaces as defined in this ordinance and as shown on the application site sketch.
- 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 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.

- F. Noise: Rental properties shall comply with the Onekama Township Noise Ordinances 2019-06. However, the effective hours for short-term rental properties are from 11:00 PM to 7:00 AM instead of 1:00 AM to 7:00 AM
- G. Fireworks: No fireworks shall be used except in conformance with Onekama Township Use of Consumer Fireworks Ordinance 2019-2 as amended.
- H. Pets: Pets shall be secured on the premises or on a leash at all times.
- I. 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 7: SIGNS.

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

SECTION 8: 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 9: ENFORCEMENT OFFICIAL.

The Township ordinance enforcement officer, Township Supervisor, any police officer, or any person officially authorized by the Onekama Township Board are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

SECTION 10: ENFORCEMENT PROCEDURE & PENALTIES

- A. When the Township becomes aware of a violation of this Ordinance, the Township 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, give the owner and/or caretaker of the property no less than seven (7) days to eliminate the violation without intervention by the Township.
- C. If the owner and/or Local Contact Person of any property on which a violation of this Ordinance exists fails to eliminate the violation within seven (7) days after service of the written notice from the Township, the owner or Local Contact Person shall be cited for a municipal civil infraction and subject of a fine of \$500 to \$1,000, recovery of all costs, including attorney fees, incurred by the Township related to enforcement of the violation, and 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 (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 municipal civil action enforcement action per Township ordinance _____. Each day that this Ordinance is violated shall be considered a separate violation.

SECTION 11: CIRCUIT COURT CIVIL ACTION

In addition to enforcing this Ordinance using a municipal civil infraction proceeding, 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.

SECTION 12: 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 13: EFFECTIVE DATE

This ordinance effective on October 1, 2020.

On December 3rd, 2019 Blackmore to motioned – Wisniski seconded - to approve the Short-term Rental Police Power Ordinance number PP 2019-08 as stated by a Roll Call Vote.

Votes in Favor: 4 Jim Wisniski, Bob Blackmore, Shelli Johnson, David Meister

Votes Against: 1 LaVonne Beebe

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 December 3, 2019.

Shelli Johnson, Clerk