



LONG LAKE TOWNSHIP
SHORT-TERM RENTAL ORDINANCE
Ordinance No. 178 of 2019

as amended by Ordinance Nos. 179, 180 and 188

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

THE TOWNSHIP OF LONG LAKE ORDAINS:

Section 1 – PURPOSE

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Long Lake Township by requiring the registration and certification of short-term rentals within the Township. It is also the intent of the ordinance to protect the integrity of residential neighborhoods while allowing property owners to receive remuneration from rental of a dwelling to help maintain the dwelling.

Section 2 – DEFINITIONS

As used in this Ordinance,

Boat means every description of watercraft used or capable of being used as a means of transportation on water. For purposes of this ordinance, two (2) personal watercrafts shall be equal to one (1) boat. Boat shall not include nonmotorized boats such as canoes, rowboats, and rafts. Boat also does not include an air mattress, paddleboard, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

Caretaker means an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate means an annual short-term rental certificate duly issued by Long Lake Township.

Dwelling Unit means a building or, a portion thereof, that is used exclusively or primarily for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation and is a recognized legal dwelling unit under the Long Lake Township Zoning Ordinance number 109 as amended.

Guest House means a complete dwelling unit in a building separate from and subordinate to the building housing the primary dwelling and on the same zoning lot of record. A guest house includes all parts of the freestanding building or is a portion of a freestanding garage

Kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:

1. Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines.

OR

2. A sink less than 18 inches in depth with a waste line drain 1-½ inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.

Multiple Family Dwelling means a building or structure designed and intended for use as dwellings for two (2) or more families and so arranged as to provide separate sleeping, eating, cooking, and sanitation accommodations for each family and includes each dwelling unit within the building or structure.

Renter means an occupant or renter of a short-term rental pursuant to a rental agreement. The terms “renter”, “guest” and “occupant” are used interchangeably in this ordinance and refer to “renter” as it is herein defined. The term “renter” as used herein does not include non-renter visitors (guests of the renter) who are visiting between the hours of 7:00 am and 10:00 pm.

Septic Inspection Report, Current means a report prepared pursuant to Long Lake Township Ordinance No. 107, the Septic System Time of Transfer Ordinance, as amended. Such report is current when it was completed within no less than 36 months, on forms prepared by the Township, and performed by a qualified individual approved by the Township and in receipt of a Township-issued inspector number.

Short-Term Rental means a dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 nights at a time. A short-term rental may also refer to a portion of a dwelling unit available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, wherein such portion of a dwelling meets all applicable requirements under this ordinance.

Wet Bar means as single sink with a waste drain line no greater than 1-1/2 inches in diameter, connected cabinets and /or a counter top area not greater than 6 lineal feet (which may include 1 microwave oven), and an under counter refrigerator no greater than 5 cubic feet in size.

Section 3 – APPLICABILITY

An owner of any dwelling unit located anywhere within Long Lake Township shall not rent or allow to be rented, a dwelling unit or a portion thereof to another person for less than 30 nights at a time, unless the owner or the owner’s authorized agent has obtained a short-term rental certificate for that dwelling unit in accordance with the requirements of this ordinance.

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1. Certificate Required. A certificate issued by the Township Zoning Administrator or other authorized personnel is required prior to the rental of any dwelling unit for a period of less than 30 days.
 - a. A certificate shall be valid for a period of 1 year or until the dwelling unit is sold.
 - b. A certificate is required for each dwelling unit to be rented on a short-term basis.
 - c. A certificate will be issued within 30 days of receipt of a complete application provided the application complies with applicable requirements of this Ordinance.
 - d. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in Section 4.3.
 - e. The certificate shall indicate the maximum daytime capacity that can be accommodated at the rental in accordance with the standards listed in Section 4.3.
 - f. A certificate and certificate holder shall be subject to all of the standards and penalties of this Ordinance.
 - g. Certificates will expire on December 31st of each calendar year. Applicants may apply for a certificate anytime for a certificate effective in the same calendar year. Applicants may apply for a certificate beginning no sooner than October 1st for the upcoming calendar year.
2. Application. An application provided by the Township for a short-term rental certificate shall include the following at a minimum:
 - a. Address of property
 - b. Property owner name(s)
 - c. Signature(s) of property owner(s) and caretaker
 - d. Number of bedrooms in the dwelling unit. In the event that the rental is not a whole house rental, the total number of bedrooms in the dwelling and the number that are part of the short-term rental.
 - e. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker, if applicable.
 - i. This information must be kept up to date in the Township's records.
 - ii. It is the certificate holder's responsibility to inform the Township of any change in contact information for the certificate holder or caretaker.

- iii. The Township will notify all property owners within 300 feet of the rental that there is an approved short term rental certificate for the property. The notice will include the approved capacity, the address of the rental, and the emergency contact information.

- f. A plot plan sketch of the property indicating
 - i. the location of off-street parking spaces,
 - ii. locations of all buildings on the property
 - iii. an indication of which buildings and portions of buildings are intended to be used for the short-term rental, or in the case of a multi-dwelling building, which dwelling units are intended to be used for the short-term rental

- g. A floor plan sketch of the dwelling indicating
 - i. locations of bedrooms, bathrooms, kitchens, and wet bars
 - ii. locations of exterior doors and escape windows
 - iii. locations of smoke detectors, carbon monoxide detectors, and fire extinguishers

- h. On-site Septic Capacity as determined under Section 4.3 and based on number of bedrooms verified by
 - i. A Septic and Well Status Report issued by the Grand Traverse County Health Department, when there is a permit for an on-site disposal system issued and inspected by the Grand Traverse County Health Department.
 - ii. Copy of a current Septic Inspection Report as defined in this ordinance.

- i. Beginning October 1, 2021, a copy of a current Septic Inspection Report as defined herein shall be submitted with each application for a short-term rental certificate demonstrating that the system has received either a 1, 1P, 2 or 2P rating. Alternately, a permit for a new system issued by the Grand Traverse County Health Department within the previous 36 months.

Section 4 – Short Term Rental Standards A short-term rental certificate shall be issued by the Long Lake Township Zoning Administrator or other designated personnel when the following standards and regulations are met. In addition, after the certificate is issued the applicant shall have a continuing duty to comply with all of the following standards and regulations while the certificate remains in effect.:

1. Parking.

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- a. No on-street parking of any motor vehicles, trailers, or any trailered vehicles (including by way of example but not limited to boats, jetskis, and snowmobiles) on any public or private roadways shall be permitted in association with a short-term rental. For purposes of this Ordinance, "roadway" includes the pavement, shoulder, and full road easement or right-of-way.
 - b. An occupant of a short-term rental and a guest of an occupant shall not park a motor vehicle or trailer overnight at any Township-owned park or natural area
 - c. An occupant of a short-term rental and a guest of an occupant shall not moor or anchor on any bottomlands, or place on any shore or beach any boat or other watercraft overnight where the bottomlands or upland shore or beach is part of a park or natural area owned by Long Lake Township.
2. Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.
3. Capacity Limit.
- a. Capacity limits will be determined as follows:
 - i. The maximum number of renters to be accommodated shall be equal to the number of bedrooms the septic system is designed to accommodate multiplied by a factor of 2. Maximum number of renters is in effect between the hours of 10:00 pm and 7:00 am.
 - ii. The maximum daytime capacity shall be equal to the maximum number of renters to be accommodated as calculated above multiplied by a factor of 1.5. Maximum daytime capacity is in effect between the hours of 7:00 am and 10:00 pm.
 - iii. In the case of a rental for a portion of a dwelling unit, the maximum number of renters shall be equal to the number of bedrooms intended to be rented multiplied by a factor of 2. There shall be provided a minimum septic capacity as demonstrated under the provisions of this Section for all renters and a minimum of one additional bedroom to accommodate the on-site host.
 - b. The Septic and Well Status Report from the Grand Traverse County Health Department shall clearly indicate the number of bedrooms the system was designed to accommodate.
 - c. In the event that there is no septic disposal permit on file with the Grand Traverse County Health Department, a current Septic Inspection Report as defined in this ordinance will be used to determine the bedroom capacity of the on-site septic system provided that the inspector has made a Conclusion 1 finding that the system

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meets all current standards of the Grand Traverse County Health Department's Environmental Health Regulations and the system is in good operational status.

- d. The certificate issued by the township shall indicate the maximum number of renters and the maximum daytime capacity that may be accommodated as calculated under these standards.
4. Contact and Response. The certificate holder or a caretaker representing the property owner must be available by telephone at all times and must be physically located within 30-minute travel distance of the property in the event of an emergency or an issue that requires immediate attention. When notified of an issue of immediate concern, (such issues may include, but are not limited to, noise or quiet hour violations) the certificate holder or a caretaker shall resolve the issue immediately. Issues of a non-immediate concern (such issues may include, but are not limited to, failure to include the certificate number in advertisements or incorrect guest capacity included in advertisements) shall be satisfactorily addressed within 2 business days.
5. Identification.
 - a. The unique short-term rental certificate number issued by the Township shall be Included in any advertisement for the rental.
 - b. The street address for the short-term rental shall be signed in accordance with the Grand Traverse County Street and Road Numbering Ordinance and clearly visible from the street.
6. Quiet Hours. Short-term rentals shall observe quiet hours between 10:00 pm and 7:00 am.
7. Pets. Pets shall be secured on the premises or on a leash at all times.
8. Applicable Rules.
 - a. The certificate holder or caretaker shall provide written notification that an occupant and/or a guest of an occupant may be cited for a violation of the following:
 - i. This ordinance,
 - ii. The Township Noise Ordinance No. 80,
 - iii. The Township Use of Consumer Fireworks Ordinance No. 133, as amended, in addition to any other remedies available to the Township.
 - b. The certificate holder or caretaker shall provide to an occupant a copy of the Good Neighbor Guidelines as provided by Long Lake Township
 - c. If any boats will be used during rental of the short-term rental, the certificate holder or caretaker shall provide to the occupant a copy of The Handbook of Michigan Boating Laws and Responsibilities 2021 Edition produced by the Michigan Department of Natural Resources, or successor document.
9. Campfires. Any campfires at a short-term rental property shall

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- a. Be contained within a fire ring or other comparable container
- b. Be located no less than 10 feet from any structure or any combustible material and be located away from overhanging tree branches.
- c. Be under the direct supervision of an adult at all times.
- d. Be fully extinguished prior to leaving the fire.

10. Dwelling Unit Standards. All short-term rentals must meet the following dwelling unit standards:

- a. The short-term rental is a complete single-family dwelling unit; or
- b. The short-term rental is a guest house as defined herein, provided that the guest house qualifies as a legally existing nonconforming use under the Long Lake Township Zoning Ordinance Number 109, and further provided that it is the only short-term rental unit on the subject parcel of land, or
- c. The short-term rental is a portion of a dwelling unit, provided that
 - i. This is the only short-term rental on the subject parcel of land.
 - ii. This portion of the dwelling unit does not contain a kitchen as it is defined in this ordinance but may contain a wet bar as this term is defined in this ordinance.
 - iii. The emergency contact is present on site during short-term rental of the allowed portion of a dwelling unit.
 - iv. All other requirements of this ordinance are met, specifically including Subsection 4.3.e and Section 4.11 herein.
- d. The short-term rental shall not be a multiple family dwelling unit as defined under this ordinance.

11. Compliance with Township Zoning Ordinance. The property on which the short-term rental will be operated is in compliance with all applicable regulations of the township zoning ordinance at the time the certificate is issued and remains in compliance with the township zoning ordinance at all times during the operation of the short-term rental.

12. Boats. Renters of a short-term rental may be permitted use of boats, as this term is defined herein, during the term of the rental subject to the following:

- a. If the owner of the rental has granted permission in writing, registered renters may use boats belonging to the owner of the short-term rental or use other boats brought to the property, provided all other restrictions of this Section are met

- b. Up to 2 boats per short term rental OR 1 boat per each full 50' of shoreline, whichever is less, may be used, parked on site, tied up, moored or anchored on the short-term rental property during the rental period
 - c. Guests of short-term renters may not operate, park, tie-up on site, moor or anchor any boats on the rental property but may accompany the registered renter on boats provided that all other restrictions of this Section are met.
 - d. Any boat associated with a short-term rental shall not be tied-up, moored, anchored, or placed on land, beach, or bottomland which is not part of the subject parcel of land or to which riparian rights are not associated.
 - e. For short-term rental contracts where boats will be in use, the renter shall acknowledge in writing receipt of The Handbook of Michigan Boating Laws and Responsibilities 2021 Edition produced by the Michigan Department of Natural Resources, or successor document.
13. Ownership No short-term rental certificate shall be issued for the same property address wherein a short term rental certificate has been suspended at any time during the prior two years, or one that has been revoked at any time. A short-term rental certificate may be issued at said address if it is confirmed that the applicant or owner is not the owner, co-owner, spouse, child, or parent; or a trustee, partner, or member of a trust, limited liability company or other legal entity that was the short-term rental certificate holder subject to suspension or revocation.

Section 5 – Inspections

The Long Lake Township Ordinance Enforcement Officer and other officials or individuals designated by the Township Board shall have the right to inspect buildings, structures, and property on which a short-term rental will be operated to determine violations of or compliance with this Ordinance and the Long Lake township Zoning Ordinance. The Township representatives may exercise this right of inspection by consent of the person having the right to possession of the building, structure, and property, or any part thereof, or by administrative search warrant.

Section 6 –Suspensions and Revocation of Certificate

1. Grounds for Suspension or Revocation. Long Lake Township hereby reserves the right to suspend or revoke a certificate that was issued for a short-term rental following the procedures of this section. The grounds to suspend a certificate shall include, but are not limited to, the application material on which a certificate was issued contained false, incorrect, or misleading information and/or statements; the short-term rental no longer complies with the standards contained in Section 4 of this ordinance; or there have been repeated violations of the Township Noise Ordinance No 80 and/or the Township Use of Consumer Fireworks Ordinance No. 133, as amended, at the short-term rental. The grounds to revoke a certificate shall include, but are not limited to, the short-term rental certificate holder has committed a total of three (3) or more violations of this ordinance within

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five (5) years, or the renter, guest of a renter, or non-renter visitor has caused significant property damage to public or private property during the short-term rental period.

2. Violation notice. If Long Lake Township Ordinance Enforcement Officer has reason to believe that grounds exist to suspend or revoke a certificate that was issued for a short-term rental, then the Long Lake Township Ordinance Enforcement Officer may, but is not required to, prepare or cause to be prepared a written notice specifying the grounds for the suspension or revocation, including the factual basis for these beliefs.
3. Service of notice. The written notice, along with the time, date, and place of the hearing before the Long Lake Township Board, shall be served on the certificate holder either personally or by first class mail, no less than twenty-one (21) days before the hearing.
4. Violation hearing. If such a violation notice is prepared and served, the Township board shall hold a hearing at which time the certificate holder shall be given an opportunity to show cause why the short-term rental certificate issued under this ordinance should not be suspended or revoked. At the hearing before the Township Board the certificate holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The certificate holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the certificate holder.
5. Subsequent violations. After a short-term rental certificate has been suspended, any additional violation(s) committed by the certificate holder within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental certificate, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental certificate holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Township Board may permanently revoke the short-term rental certificate.
6. Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately. Provided, however, if any portion of the suspension time falls outside the primary tourist season of May through September, then the balance of the suspension time shall carry over to the next primary tourist season.
Suspensions/revocations shall be for the following periods:
 - (a) First suspension –six (6) months.
 - (b) Second suspension –nine (9) months.
 - (c) Revocation – permanent.
7. Existing contracts. Existing short-term rental contracts up to 60 nights beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the Township Board. Those existing contracts beyond 60 nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.

8. Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this ordinance and may be subject to court enforcement proceedings and the penalties under Section 7.2 of this ordinance.

Section 7. Violations

1. Violations. Any of the following will be considered a violation of this Ordinance:
- a. Failure to update information with the Township such as the caretaker's or owner's contact information in a timely manner.
 - b. Advertising a short-term rental for a capacity in excess of that allowed under the certificate issued by the Township.
 - c. Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active short-term rental
 - d. Providing false or misleading information on the application for a short-term rental certificate.
 - e. Failure to obtain a short-term rental certificate when operating a short-term rental.
 - f. Failure to comply with any of the standards under Section 4.
2. Any person, certificate holder, or caretaker who violates any provision of this Ordinance, including section 6.1 above, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

Section 8. Enforcement Official.

The township ordinance enforcement officer is hereby designated as the authorized official to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 9. Civil Action

In addition to enforcing this Ordinance through the use of 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.

Section 10. 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 11. Effective Date.

This Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation within the township.