

LONG LAKE TOWNSHIP  
SHORT-TERM RENTAL ORDINANCE  
Ordinance No. 178 of 2019  
as amended by Ordinance Nos. 179 and 180

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**

Caretaker -- As used in this ordinance, a caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate – As used in this ordinance, a certificate is an annual short-term rental certificate duly issued by Long Lake Township.

Dwelling Unit – As used in this ordinance, a dwelling or dwelling unit is a building or 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.

Renter – As used in this Ordinance, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term “renter” as used herein does not include guests of the occupant or renter who are visiting between the hours of 7:00 am and 11:00 pm.

Septic Inspection Report, Current – As used in this ordinance, a Septic Inspection Report is 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 – As used in this ordinance, a short-term rental means a dwelling unit, or a portion thereof, 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.

### **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.

1. Certificate Required. A certificate issued by the Township Zoning Administrator or other authorized personnel is required prior to the rental of any dwelling for a period of less than 30 days.
  - a. A certificate shall be valid for a period of 1 year or until the dwelling is sold.
  - b. A certificate is required for each dwelling to be rented on a short-term basis.
  - c. A certificate will be issued within 30 days of receipt of a complete application.
  - 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. A certificate and certificate holder shall be subject to all of the standards and penalties of this Ordinance.
  - f. Certificates will expire on December 31<sup>st</sup> 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 1<sup>st</sup> 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. 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.
    - i. This information must be kept up to date in the Township's records.

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- ii. 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.
- f. 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.

**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 applicant demonstrates that policies and procedures are in place for continuing compliance with all of the following standards and regulations:

1. Parking. No on-street parking of any motor vehicles 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. [As amended by Ordinance 179]
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. 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.
  - a. 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.
  - b. 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 meets all current standards of the Grand Traverse County Health Department's Environmental Health Regulations and the system is in good operational status.
  - c. In the event that there is no septic disposal permit on file with the Grand Traverse County Health Department and the owner of a proposed short-term rental intends to replace the on-site septic disposal system in order to conduct a short-term rental, the

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Township may issue a short-term rental certificate for calendar year 2020 only, subject to all of the following

- i. 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 or 2 finding that the system is in good operational status.
    - ii. The applicant provides a copy of a current permit issued by the Grand Traverse County Health Department for replacement or upgrade of the on-site septic disposal system to meet all current standards  
[As amended by Ordinance 180]
  - d. The certificate issued by the township shall indicate the maximum number of renters 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. [As amended by Ordinance 179]
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 11:00 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 this ordinance, the Township Noise Ordinance No. 80, and/or 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
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.

### **Section 5 – Suspensions and Revocation of Certificate**

1. Violation notice. If Long Lake Township Ordinance Enforcement Officer has reason to believe the application material on which a certificate was issued contained false, incorrect, or misleading information and/or statements or that the short-term rental no longer complies with the standards contained in Section 4 of this ordinance, then Long Lake Township Ordinance Enforcement Officer may, but is not required to, prepare or cause to be prepared a written notice specifying the false, incorrect, or misleading information and/or statements in the application material or specifying the violations of Section 4 that are being alleged, including the factual basis for these beliefs.
2. 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 certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.
3. 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.
4. 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.
5. 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:

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- (a) First suspension – three (3) months.
  - (b) Second suspension – six (6) months.
  - (c) Revocation – permanent.
6. 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.
7. 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 6.2 of this ordinance.

**Section 6. 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 7. 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 8. 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 9. 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 10. Effective Date.**

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