

LONG LAKE TOWNSHIP
SHORT TERM RENTAL ORDINANCE
Ordinance No. _____ of 2018

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

Certificate – A short term rental certificate duly issued by Long Lake Township.

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

- in a garage or carport
- within a paved or gravel driveway
- within a paved or gravel parking pad

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. 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.

Special Events – In association with a short-term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental certificate.

Section 3 – APPLICABILITY

This ordinance applies to all residential dwellings in Long Lake Township and owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.

1. Certificate Required. A certificate is required prior to the rental of any dwelling for a period of less than 30 days.
 - a. A certificate issued by the Township shall be valid for a period of 3 years 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 15 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 Paragraph 3.d.
 - e. A certificate and certificate holder shall be subject to all of the standards and penalties of this Ordinance.
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 of property owner(s) and caretaker
 - d. Number of bedrooms in the dwelling
 - e. Number of parking spaces as defined under Section 2
 - f. Sketch of the property indicating location of the dwelling, driveway or other point of access, and designated parking spaces meeting the definition of a parking space under Section 2
 - g. 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.
- h. On-site Septic Capacity based on number of bedrooms verified through one of the following:
 - i. Copy of a current Septic Inspection Report as defined in this ordinance.
 - ii. Copy of a permit for an on-site disposal system issued and inspected by the Grand Traverse County Health Department.
 - iii. Certification of on-site septic capacity in writing by the Grand Traverse County Health Department.

Section 4 – Short Term Rental Standards

1. Parking. Parking for guests in a short-term rental shall only be in identified parking spaces as defined in this ordinance. No on-street parking shall be permitted in association with a short-term rental.
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. Special Events. Special events as defined in this ordinance are not permitted
4. Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of **3. [Note: this factor is pending]**
 - a. The number of bedrooms shall be as certified by the applicant.
 - b. The septic inspection report or permit for on-site disposal shall indicate the number of bedrooms the system was designed to accommodate.
 - c. The certificate issued by the township shall indicate the maximum number of renters that may be accommodated as calculated under these standards.
5. Contact. The certificate holder or a caretaker representing the property owner must be available by telephone at all times and must be physically located within a 50-mile radius of the property in the event of an emergency or an issue that requires immediate attention.
6. Certificate Number. The unique short-term rental certificate number issued by the Township shall be
 - a. Included in any advertisement for the rental and

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- b. Posted on the mailbox for the rental or in a location visible from the street or road serving the property.
7. Quiet Hours. Short term rentals shall observe quiet hours between 11:00 pm and 7:00 am.
8. Pets. Pets shall be secured on the premises or on a leash at all times.
9. Applicable Rules. Renters shall be made aware of the following
- a. The rules applicable to the renters under this Ordinance
 - b. Long Lake Township Noise Ordinance No. 80
 - c. Long Lake Township Use of Consumer Fireworks Ordinance No. 130, as amended
10. Signs. Under Section 21.5 of the Long Lake Township Zoning Ordinance, Ordinance No. 109 as amended, a residence in the Township is permitted an on-site identification sign no larger than 2 square feet in area.
11. Campfires. Any campfires at a short-term rental property shall
- 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, be located away from overhanging tree branches, and be located such that the prevailing winds will not deliver smoke to adjacent residences.
 - c. Be under the direct supervision of an adult at all times.
 - d. Be fully extinguished prior to leaving the fire.

Section 5 – Violations and Revocation of Certificate

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.

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2. Nuisance Per Se Any certificate holder or caretaker who violates any provision of this Ordinance shall be a responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred and 00/100 (\$500.00) dollars. The Township shall have the right to commence a municipal civil action to enforce compliance with this Ordinance. Each day this Ordinance is violated shall be considered a separate violation.
3. Revocation. The Township may revoke a short-term rental certificate 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 6. 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 7. Abatement by Township

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may abate the violation through the procedures specified in this section.

1. When the Township becomes aware of a violation of this Ordinance, the Township shall send a written notice to the property owner and/or caretaker of the property in violation. 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 thirty (30) days to eliminate the violation without intervention by the Township.
2. If the owner and/or caretaker of any property on which a violation of this Ordinance exists fails to eliminate the violation within thirty (30) days after service of the written notice from the Township, the Township shall issue a municipal civil infraction.

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 effect 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.