

**PRESQUE ISLE TOWNSHIP
(PRESQUE ISLE COUNTY, MICHIGAN)
ORDINANCE NO. 7.12.21
SHORT-TERM RENTAL ORDINANCE**

AN ORDINANCE TO ADOPT SHORT-TERM RENTAL REGULATIONS; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS AND PROPERTY; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE; TO PROVIDE FOR ENFORCEMENT OF THE ORDINANCE; TO PROVIDE FOR SEVERABILITY OF THE ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE FOR THE ORDINANCE.

THE TOWNSHIP OF PRESQUE ISLE, PRESQUE ISLE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. PURPOSE.

Presque Isle Township has determined that the short-term rental of dwellings within the Township is a matter closely connected with the public health, safety, and general welfare of the community. This ordinance is intended to make permissible short-term rental activity resemble the existing and traditional residential uses made by resident owners and lessees. The Township believes that short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and by assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs. Township officials and personnel have received complaints involving excessive noise; disorderly conduct; and traffic, congestion, and parking at short-term rental properties. The transitory nature of occupants of short-term rentals makes continued enforcement against occupants difficult. This ordinance is intended to strike an appropriate balance between the interests of community residents, visitors to the community, and real property owners wishing to engage in short-term rental of dwellings. The regulations set forth herein are intended to ensure compatibility with other permitted uses and the residential character of the neighborhoods in which short-term rentals are located.

SECTION 2. DEFINITION.

Short-Term Rental. A single-family dwelling which furnishes transient accommodations for compensation for periods of twenty-eight (28) consecutive calendar days or fewer and which is unoccupied by the owner during the time in which transient accommodations are furnished. A short-term rental does not include a bed and breakfast facility or a tourist home.

SECTION 3. SHORT-TERM RENTAL REGULATIONS.

A. Short-Term Rental Permit. A separate Short-Term Rental Permit is required for each short-term rental property regardless of whether or not the properties are under the same ownership.

B. Number of Dwelling Units. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.

C. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage in accordance with the requirements of the Presque Isle Township Blight Ordinance.

D. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.

E. **Nuisance.** Activities on a short-term rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, or vibrations. With regard to noise emanating from the property, the requirements and standards set forth in section 4.34 of the Presque Isle Township Zoning Ordinance, or set forth in any subsequent Presque Isle Township ordinance governing noise, shall apply to this subsection of this ordinance.

F. **Parking.** All parking associated with a short-term rental shall be out of the roadway and entirely on-site, in the garage, driveway, or other improved area.

G. **Number of Occupants.** The number of occupants in a dwelling unit during any short-term rental occupancy shall not exceed the number of persons that may safely occupy a dwelling, in accordance with any and all requirements and limits imposed by applicable building, fire, and health department codes, rules, and regulations pertaining to occupancy, fire safety, septic systems, and other applicable dwelling-related matters.

H. **Smoke Detectors and Carbon Monoxide Devices; Compliance with Building and Fire Codes.** The owner or local agent of a dwelling unit used for short-term rentals shall:

1. Install and maintain an operational smoke detector in each bedroom, and test such smoke detectors at least every ninety (90) days to ensure that they are properly functioning.
2. Install and maintain at least one (1) operational carbon monoxide device on each floor, and test such devices at least every ninety (90) days to ensure that they are properly functioning.
3. Comply with any and all requirements imposed by applicable building and fire codes, rules, and regulations.

I. **Pets.** Pets shall be secured on the property or on a leash at all times. Pets shall not be allowed to whine, yelp, bark, or howl for a period of ten (10) minutes or longer. Pets shall not be left unattended.

J. **Noise.** 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. Quiet hours shall be from 11:00 PM to 7:00 AM.

K. **Fires.** No person shall start or maintain a fire except within provided devices or locations and in compliance with any and all applicable fire codes, rules, and regulations. Fires shall not be left unattended and must be fully extinguished.

L. Fireworks. Fireworks of any kind are not allowed on rental property except in accordance with the applicable Presque Isle Township ordinance addressing the appropriate use of fireworks.

M. Watercraft. Owners must offer a well-maintained dock or hoist when allowing renters to bring or rent watercraft. Short-term renters using watercraft must comply with any and all requirements imposed by the Michigan Department of Natural Resources and the state of Michigan.

N. Street Address Posted Within Dwelling Unit. The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency.

SECTION 4. LOCAL AGENT.

A. Each owner of a short-term rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.

B. The local agent must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a short-term rental.

C. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.

D. An owner meeting the requirements of subsections 4-A, 4-B, and 4-C of this ordinance above may designate themselves as the local agent.

E. The permit holder shall notify the Township of any changes in ownership or in the local agent.

SECTION 5. OWNER RESPONSIBILITY.

The owner or local agent must use best efforts to ensure that the rules set forth in this ordinance are met by occupants of the short-term rental. Such best efforts shall include notifying the occupants of such rules and taking appropriate action to abate the violation when notified that occupants are violating such rules. It is not intended that the owner or local agent act as a peace officer or place him or herself in harm's way.

SECTION 6. SHORT-TERM RENTAL PERMITS.

A. Short-term rentals require a Short-Term Rental Permit.

B. The following application elements are required prior to receipt of a Short-Term Rental Permit or permit renewal:

1. A fully completed and signed Short-term Rental Permit application form provided by the Township, including all required supplemental documents.

2. Owner contact information.

3. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week, whenever the unit is utilized as a rental.

4. More than one owner or ownership by entity. When more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the short-term rental dwelling and for the president, general manager, or other chief executive officer of the organization.

C. A Short-Term Rental Permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed annually. If the current owner has not violated the ordinance, renewal for the next year is guaranteed if reapplication is applied for.

SECTION 7. VIOLATIONS.

The following conduct is a violation of this ordinance:

A. Any advertising or leasing of a short-term rental without first having obtained a Short-Term Rental Permit.

B. The holder of the Short-Term Rental Permit has violated any of the provisions of this ordinance.

C. Any false or misleading information supplied in the application process.

SECTION 8. PENALTIES.

A. A violation of this ordinance shall constitute a nuisance per se, and, in addition to any remedies available at law or under this ordinance, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

B. For the first violation of this ordinance within any calendar year, the penalty shall be the issuance by the Township Zoning Administrator of a written warning notice of violation.

C. For a second violation of this ordinance within any calendar year, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended ("Public Act 236").

D. For a third violation and subsequent violations of this ordinance within any calendar year, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal

civil infraction, as defined by Section 113 of Public Act 236; and the Short-Term Rental Permit shall be revoked by the Township Zoning Administrator.

E. The Presque Isle Township Zoning Administrator, the Presque Isle Township Supervisor, and other Township officials and employees as may be authorized by the Presque Isle Township Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

F. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.

G. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

H. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

I. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of Public Act 236.

J. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of Public Act 236 within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of Public Act 236, as applicable.

K. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect 30 days after its publication as required by law.

SECTION 10. PUBLICATION; RECORDATION; AUTHENTICATION.

This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of Presque Isle Township, and qualified under state law to publish legal notices, within 30 days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Clerk shall authenticate this ordinance by placing her official signature upon the ordinance.

SECTION 11. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this ordinance, which shall continue in full force and effect.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Presque Isle Township Board of Trustees at a regular meeting held on the 12th day of July, 2021.

I further certify that the following Board members were present at the meeting: Long, Paavola, Kuopkanen, O'Neill, Lewis and that the following Board members were absent: _____.

I further certify that the Board member Mark Lewis moved for adoption of the ordinance, and the motion was supported by the Board member Mary O'Neill.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: Long, Paavola, Kuopkanen, O'Neill, Lewis, and the following Board members voted against the adoption of the ordinance: P.

Adopted and approved this 12 day of July, 2021, by the Presque Isle Township Board of Trustees.

Cynthia Paavola
Cynthia Paavola
Presque Isle Township Clerk

CERTIFICATION AS TO PUBLICATION, RECORDATION, AND AUTHENTICATION

I hereby certify that the above ordinance was published in the Advertiser on the 22 day of July, 2021; that the ordinance has been recorded in the Township record of ordinances book on the 12 day of July, 2021; and that the ordinance is hereby authenticated by the placement of my signature below.

Dated: 7/12/2021

Cynthia Paavola
Cynthia Paavola
Presque Isle Township Clerk