

**Leelanau Township
Leelanau County, Michigan**

Ordinance No. _ of 2020

THIS ORDINANCE SHALL BE KNOWN AS THE
LEELANAU TOWNSHIP SHORT TERM RENTAL ORDINANCE.

Leelanau Township Ordains:

Section 1: Purpose

The Leelanau Township Board finds and declares as follows:

- A. The Township considers the current rural residential and agricultural character of the community paramount to the welfare of the community.
- B. The transitory nature of occupants of Short Term Rentals can be inconsistent with the traditional residential and agricultural character of the community.
- C. It is the intent of the Leelanau Township Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance consistent with the existing traditional residential uses in the community.
- D. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of Short Term Rentals by providing revenue to help offset costs.
- E. The Township has received complaints and concerns involving excessive noise, disorderly conduct, overcrowding, traffic, keyholing, congestion and parking at Short Term Rental properties.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residential neighborhoods posed by Short Term Rental homes.
- G. The township also has environmental concerns associated with the protection of water quality from over-occupancy and over-use of a dwelling's septic system.

Section 2: Applicability

- A. This Ordinance applies to Leelanau Township outside the limits of the Village of Northport and applies to all properties unless otherwise stated herein.
- B. This Ordinance applies only to the rental of an entire dwelling unit on a short-term basis as defined herein. This Ordinance does not apply to the short-term rental of

individual rooms within a dwelling unit or portion of a dwelling unit, as these types of uses are regulated by the Zoning Ordinance.

- C. This Ordinance does not apply to the following; these uses are regulated by the Leelanau Township Zoning Ordinance:
 - 1. Rental of only a portion of a dwelling unit (Owner Occupied Rental).
 - 2. Legally permitted Bed & Breakfasts.
 - 3. Legally permitted and/or legally non-conforming motels, hotels, or resorts.
 - 4. Legally permitted and/or legally non-conforming waterfront resorts.
 - 5. Legally permitted and/or legally non-conforming Lodges.
 - 6. Legally permitted and/or legally non-conforming Recreational Vehicle Parks.
 - 7. Legally permitted and/or legally non-conforming Marinas.
 - 8. Adult Foster Care Facilities, Nursing Homes, or Senior Living Facilities.
- D. All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Leelanau Township Zoning Ordinance.
- E. This Ordinance does not affect additional or more-restrictive requirements placed on the use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations, by-laws, rental agreements, *etc.*

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes.

Good Neighbor Posting. A notice prepared by the township and posted in the Short Term Rental unit to inform the occupants of their responsibilities under this ordinance.

Immediate Neighbors: The owners and occupants of any property/lot/parcel of which any portion lies within two hundred (200) feet of any portion of the short-term rental property/lot/parcel.

Local 24-Hour Contact Person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, *and* authorized by the owner to take remedial action and respond to any violation of this ordinance.

Occupant: An individual living in, staying in, or otherwise having possession of a short-term rental, regardless of age.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short-Term Rental.

Short Term Rental. The renting or leasing of a dwelling unit for a period of time less than thirty (30) consecutive calendar days.

Section 4: Short Term Rental Permit

It shall be a violation of this Ordinance to operate or advertise a Short-Term Rental in Leelanau Township without a Short Term Rental Permit, unless exempted herein.

- A. Short-Term Rental Permits will be issued by calendar year and are valid for that calendar year only. All Permits shall expire at the end of the calendar year and must be renewed each year.
- B. The renewal of an active Short-Term Rental Permit for an additional year will be guaranteed if the completed renewal application is received on or before December 31 of the previous year, and the Permit meets the requirements of Section 7 of this Ordinance. Applicants may apply for Renewal Permits no earlier than October 1st of the current year.
- B. The Leelanau Township Board shall, by Resolution, adopt a fee for the Short-Term Rental Permit in the Leelanau Township Fee Ordinance, and may amend the fee by Resolution.
- C. The Leelanau Township Board shall adopt a policy covering the procedures for issuance and renewals of Short-Term Rental Permits, including the Application requirements.
- D. A separate Short-Term Rental Permit is required for each Short-Term Rental.
- E. The Short-Term Rental Permit shall be issued to the Owner of the property and cannot be transferred to another Owner or Property. The Short-Term Rental Permit is not transferrable and does not run with the Property Ownership.
- F. The Leelanau Township Zoning Administrator, and/or other persons designated by the Leelanau Township Board, shall be authorized to issue Short Term Rental Permits under this Ordinance.

Section 5: Short Term Rental Standards

All Short-Term Rentals shall meet the following standards:

- A. Only one (1) dwelling unit per parcel may be permitted for use as a Short-Term Rental.
- B. All rental lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, boat, or tent, etc.

C. Maximum Allowable Occupancy of a Short Term Rental:

*The Maximum Allowable Number of Occupants of a Short-Term Rental shall be based upon the **number of bedrooms** in the dwelling unit, up to a **maximum total of fifteen (15) Occupants**, in accordance with the following:*

- 1. *The Maximum Allowable Number of Occupants in a Short-Term Rental shall not exceed a total number calculated as **three (3) Occupants per bedroom**.*
- 2. *In no case shall the Total Maximum Allowable Occupancy exceed fifteen (15) Occupants.*
- 3. *This standard does not impose or imply any limit on the number of occupants allowed in any single bedroom.*
- 4. *The number of bedrooms shall be determined by one of the following methods, at the choice of the Applicant:*
 - i. *The number of bedrooms listed on a current and valid septic system permit issued by the local Health Department having jurisdiction, or*
 - ii. *The number of bedrooms or Occupants listed on a current and valid Building Permit issued by Leelanau County under the Michigan Building Code.*
 - iii. *The number of bedrooms meeting the definition of a bedroom in the current Michigan Building Code, and shown on a floor plan submitted to the township with the Short-Term Rental Permit Application.*

D. Local 24 Hour Contact Person:

Each Short-Term Rental shall have a designated Local 24-Hour Contact Person meeting the following criteria:

- 1. The Local 24-Hour Contact Person shall have access and authority to assume management of the unit and take remedial measures.
 - 2. The Local 24-Hour Contact Person must be available by telephone twenty-four (24) hours a day during the rental period and be within ~~sixty (60)~~ **forty-five (45)** minutes travel time of the Short-Term Rental during the rental period.
- E. All parking associated with a Short-Term Rental shall be out of the road right-of-way and entirely on-site, in the garage, driveway or other improved stable area.

- F. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- G. Dogs and other pets shall be governed by the Leelanau County Animal Control Enforcement Ordinance. This Ordinance requires that Pets shall be secured on the property or on a leash at all times, and that Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer.
- H. Any discharge of Fireworks on the rental property shall be in accordance with the Leelanau Township Consumer Fireworks Ordinance.
- I. The release of Sky Lanterns (Chinese Lanterns) is prohibited by the Leelanau Township Sky Lantern Ordinance.
- J. Campfires shall be located in a suitable designated area. Fires shall not be left unattended and must be fully extinguished.
- K. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin. Recycling locations must be posted in a prominent location in the Short Term Rental.
- L. Septic Systems:
 - 1. Any Short-Term Rental that is determined to have a failing septic system, as determined by the Benzie/Leelanau District Health Department, shall immediately cease Short-Term Rental operations until approved by the Health Department.
 - 2. Short-Term Rentals using a septic system for sewage disposal shall have the septic tank(s) pumped at least once every three (3) years. Proof of septic tank pumping within the past three (3) years must be provided prior to issuance of a Short-Term Rental Permit or Renewal, unless the dwelling is connected to a municipal sewer system.
- M. Quiet hours for Short-Term Rentals shall be observed every night from 10:00 PM to 8:00 AM. 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. The Leelanau Township Nuisance Ordinance also covers noise within the township.
- N. Keyholing:
It shall be a violation of this Ordinance to advertise or allow occupants of a short-term rental the use of any separate, distinctive, non-continuous, private waterfront parcel for recreational purposes. This provision does not apply to designated open spaces or parks that the subject parcel has the recorded right to use and is in conformance with the Leelanau Township Zoning Ordinance.

- O. The address of the Short-Term Rental shall be clearly marked in accordance with the Leelanau County Address Ordinance.
- P. Violations of any County or Township Nuisance, Fireworks, Sky Lantern, Animal Control, or Disturbance of Peace Ordinance shall constitute a violation of this Ordinance.

Section 6: Owner Responsibilities

- A. The Owner shall be responsible to notify immediate neighbors of the application for a Short-Term Rental Permit, the 24 Hour Local Contact name and number, and the township Short-Term Rental Hotline number on a form acceptable to Leelanau Township and submit a signed affidavit to the township that immediate neighbors were notified.
- B. The owner shall be responsible to notify the Short-Term Rental occupants of the Standards contained in this Ordinance.
- C. The Owner shall post the Short-Term Rental Permit, Local Contact Numbers, and the Good Neighbor Posting in a conspicuous place in the Rental and shall provide these documents to renters prior to occupancy.
- D. The Owner shall notify the township of any changes to the Local 24-Hour Contact.
- E. The Owner shall submit an annual log of rental activity to the township for each calendar year prior to March 1 of the following year. The log must show the dates of overnight stays and number of occupants per visit.
- F. The Owner shall physically mark the address of the Short-Term Rental in accordance with the Leelanau County Address Ordinance.
- G. The Owner is responsible for the occupants of the Short-Term Rental compliance with the standards in this Ordinance. The owner shall use reasonable efforts to assure that the occupants of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy.

Section 7: Administration, Violation and Administrative Penalties

- A. Leelanau Township may retain a firm to assist with compliance monitoring and maintenance of a 24-Hour Short Term Rental Hotline for complaints.
- B. The following conduct is a violation of the Short Term Rental ordinance:
 - 1. Any advertising, rental, or leasing of a short term rental without first having obtained a short term rental permit.
 - 2. Failure by the Owner and/or Occupants to comply with the Short Term Rental Standards section of this ordinance.
 - 4. Failure to comply with any of the provisions of this ordinance.
 - 5. Any false or misleading information supplied in the application process.
- C. The penalties for violations specified in subsection (C) above are as follows:
 - 1. For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 - 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 - 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 - 4. If there are one or more violations each year during any three (3) consecutive year period, the permit may be revoked.
- D. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- E. Nothing in this Ordinance shall prevent any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this ordinance from

seeking relief in a court of competent jurisdiction against the Owner of the Short Term Rental.

- F. The Leelanau Township Zoning Administrator and/or other persons designated by the Leelanau Township Board are authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date:

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township. The Leelanau Township Board will, by policy, establish a later date that they will begin enforcement of this Ordinance.

Ordinance No. 3 of 2020 was adopted on the 8th of September, 2020 by the Leelanau Township Board of Trustees, as follows:

Motion by:

Support by:

Roll Call Vote:

Yeas:

Nays:

Absent:

Motion Carried – Ordinance Adopted

I certify that this true copy of Ordinance No. of 2020 was adopted at a regular meeting of the Leelanau Township Board of Trustees on _____, 2020 and published in the *Leelanau Enterprise* on _____, 2020.

Date of Township Board Approval:

Date of Publication:

Effective Date:

Date: _____

By: _____

Monica Diaz,
Leelanau Township Clerk