

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

Cleveland Township Ordains:

Section 1: Purpose

The Cleveland Township Board finds and declares as follows:

- A. The Township considers the current rural residential, agricultural, natural, and scenic 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. All short term rentals are in violation of the Cleveland Township Zoning ordinances unless explicitly permitted.
- D. It is the intent of the Cleveland Township Short Term Rental Ordinance to make Short Term Rental activity be permitted by this ordinance, and that it be consistent with the existing traditional residential uses in the community.
- E. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available.
- F. The Township has received complaints and concerns by residents involving excessive noise, disorderly conduct, overcrowding, traffic, keyholing, congestion and parking at Short Term Rental properties, and the growing effect of these concerns if Short-Term-Rentals were to continue to proliferate.
- G. The Growing number of single – family homes purchased by absentee investors is a source of considerable concern to those who care about the future of neighborhoods, communities, worker housing and the local economy.
- H. Property maintenance affects health and safety, market values, and neighborhood dynamics; studies have indicated that owner-occupiers better maintain properties when compared to absentee (non-resident) landlords, and that properties under the control of non-resident property managers are less likely to maintain compliance with applicable code and ordinances.
- I. The impact of Short Term Rentals can vary depending on the frequency of leasing and the availability of the property owner to monitor use of the property and to address complaints.

J. The Township has environmental concerns associated with the protection of water quality from over-occupancy and over-use of a dwelling's septic system which are additionally impacted by Short Term Rental uses.

K. The provisions of this ordinance will limit the number of Short Term Rentals, necessary to prevent the continued burden placed upon county and township services, and the impacts on residential neighborhoods and the natural environment posed by Short Term Rentals.

L. For the reasons stated above, Cleveland Township intends to prioritize primary resident owners when awarding permits under Section 4.L. Cleveland Township provides opportunity for other owners and for investors in Short Term Rentals within other zoning districts.

Section 2: Applicability

A. Short Term Rentals are not allowed unless specified under the terms of this ordinance.

B. This Ordinance applies to the following Cleveland Township Zoning Districts: Agricultural, Residential 1, 2 and 3 uses.

C. This Ordinance applies to the rental of an entire dwelling unit on a Short Term basis as defined herein. This Ordinance also applies to the Short Term Rental of individual rooms within a dwelling unit or portion of a dwelling unit.

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 Cleveland 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:

Bedroom: A separate room used as sleeping and as approved by the residential land use permit.

Dwelling: Any building or part thereof, occupied as the home, residence, or sleeping place of one or more persons either permanently or transiently. The building or part thereof shall provide complete independent living facilities for one or more persons, including, permanent provisions for living, sleeping, eating, cooking, well/water, and sanitation.

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.

Neighbors: The owners and occupants of any property/lot/parcel of which any portion lies within three hundred (300) 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 concerns, 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.

Parking Space: An onsite designated parking area legally available to the dwelling.

Septic Inspection Report: A report prepared pursuant to the Leelanau County Septic Ordinance

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

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 license.

Section 4: Short Term Rental Permit

An owner of any dwelling located within Cleveland Township shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 days at a time, unless the owner has obtained a short term rental permit for that dwelling unit in accordance with the requirements of this Ordinance.

A. Prior to the adoption of this Zoning Amendment, all Short Term Rentals in all Residentially Zoned and Agriculturally Zoned properties are a non-compliant use and, thus, violate the duly adopted Zoning Ordinances of Cleveland Township.

B. 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.

C. 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 November 15 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.

D. The Cleveland Township Board shall, by Resolution, adopt a fee for the Short Term Rental Permit in the Cleveland Township Fee Ordinance, and may amend the fee by Resolution.

E. The Cleveland Township Board shall adopt a policy covering the procedures for issuance and renewals of Short Term Rental Permits, including the Application requirements.

F. A separate Short Term Rental Permit is required for each Short Term Rental.

G. The Short Term Rental Permit shall be issued to the individual owner of the property (not a corporate entity) and cannot be transferred to another Owner or Property. The Short Term Rental Permit is not transferable if the property sells and does not run with the Property itself.

H. The Cleveland Township Zoning Administrator, and/or other persons designated by the Cleveland Township Board, shall be authorized to issue Short Term Rental Permits under this Ordinance.

I. Applications shall be reviewed in the order in which they were received by the Township (hard copy). Receipt of an application by a Township employee or designee does not mean an application is considered complete. If an applicant submits an incomplete application, they are not guaranteed a permit.

A Short term rental application shall not be considered accepted or complete until Cleveland Township's Planning /Zoning Administrator and or Township Board designee deems it to be complete. Furthermore, if the applicant fails to provide all the information required by this Ordinance and/or fails to pay the required fee, then the application shall be deemed incomplete and may be denied by the Township Office of Planning & Zoning on that basis.

J. Once deemed to be complete, if an application complies with all the standards and regulations of this Ordinance and a permit is available, the Township Zoning Administrator or Board Designee shall approve the short term rental Permit by December 31st when applied for during the October application period. All short term rental permits issued under this Ordinance shall be sequentially numbered.

K. Short Term Rental Permit

1. A separate Permit is required for each Short Term Rental Property, limited to one Permit per property.
2. The following application elements are required prior to receipt of a Short Term Rental Permit or Permit Renewal:
 - a. A fully completed and signed Short Term Rental Permit Application form provided by the Township
 - b. A local contact available by phone twenty-four hours a day, seven days a week whenever the unit is utilized as a Short Term Rental.
 - c. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
 - d. Site plan drawn to scale for each unit, including the parking area with each parking space mapped out.
 - e. Proof of valid property insurance for each unit being licensed for short term rentals.
 - f. Proof of valid liability insurance for the owner.
 - g. Floor plan drawn to scale with dimensions.
 - h. Zone designation and street address for each unit.
 - i. Current septic inspection certificate and pumping receipt.

L. Prior to the adoption of this Zoning Amendment, all Short Term Rentals in all Residentially Zoned and Agriculturally Zoned properties are a non compliant use and, thus, violate the duly adopted Zoning Ordinances of Cleveland Township.

Therefore, the prioritization for granting Short Term Rental permits is as follows:

1. Application for Renewal, as long as there are not any prior violations
2. Person that owns a residence with Principal Resident Exemption (PRE) in Cleveland Township.
3. Person with a home in Cleveland Township and PRE is in Leelanau County.
4. Remaining available Permits will be awarded by random lottery.

Section 5: Short Term Rental Standards

In recognition of the unique nature of short term rentals, the following standards and regulations shall apply to all short term rentals in Cleveland Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments), and shall not supersede any provisions of the master deed and/or bylaws of a condominium development which contain provisions that are more stringent and restrictive of short term rentals than those contained in this Ordinance.

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 twelve (12) 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 two (2) Occupants per bedroom, excluding children under 3 years of age.
2. In no case shall the Total Maximum Allowable Occupancy exceed twelve (12) Occupants.
3. The number of bedrooms shall be determined by the number listed on a current and valid septic system permit issued by the Leelanau/Benzie Health Department.

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

- 1.) The Contact Person shall have access to and be granted authority to assume management of the unit and take remedial measures, and
- 2.) must be available by telephone twenty-four (24) hours a day during the rental period, and
- 3.) must live within 30 miles, and
- 4.) The township will provide the phone number of the Contact Person to all neighbors within a 300 foot radius of the STR boundary.

E. Parking for all vehicles, including trailers, shall only be in parking spaces identified on the site plan included with the application for a short term rental permit. No on-street parking shall be

permitted in association with a short term rental. Parking shall comply with the requirements set forth in Cleveland Township Zoning Ordinance.

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 properly 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 Cleveland Township Consumer Fireworks Ordinance.

I. The release of Sky Lanterns is prohibited.

J. Campfires shall be contained in a fire ring or comparable container and be at least 10 feet away from property lines, structures, waters edge and trees. Fires shall be supervised by an adult 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 wildlife. Trash and 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 Cleveland 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 Cleveland Township Zoning Ordinance.

O. The address of the Short Term Rental shall be clearly marked in accordance with the Leelanau County Address Ordinance, and without any additional signage.

P. The appearance of the dwelling shall not conflict with the residential character of the neighborhood. The structures shall be properly maintained and in good repair so that the use does not detract from the general appearance of the neighborhood.

Q. Short term rentals shall maintain operating smoke detectors, carbon monoxide detectors, and fire extinguishers. Evacuation routes shall be posted in a conspicuous location in each bedroom as well as common living spaces in the house.

R. Lakeside short term rentals must abide by the association rules and regulations.

S. Violations of any County or Township Ordinance, including but not limited to Nuisance, Fireworks, Sky Lanterns, Animal Control, or Disturbance of the Peace, shall constitute a violation of this Ordinance.

Section 6: Owner Responsibilities

A. The Owner shall be responsible to notify neighbors within 300 feet 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 Cleveland Township and submit a signed affidavit to the township that 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 in a conspicuous place in the Rental and shall provide these documents to renters prior to occupancy: 1.) the Short Term Rental Permit; 2.) Local Contact Numbers; 3.) notification of the maximum number of occupants; 4) If applicable, the local lake association boating rules; 5) Notification that an occupant and/or guest may be cited for a violation of this ordinance, an/or Township fireworks, noise, and any other township ordinances; 6) The maximum number of vehicles permitted on the property and location of all designated parking spaces; 7) A copy of this ordinance, as it may be amended from time to time.

D. The Owner shall notify Township of any changes to the Local 24-Hour Contact prior to or during an active rental period.

E. The Owner and 24-hour contact person shall keep a log of rental activity. The log must show the dates of overnight stays and number of occupants per visit.

F. The Owner is responsible for the occupants of the Short Term Rental being in compliance with the standards in this Ordinance.

Section 7: Administration, Violation and Administrative Penalties

A. Cleveland Township may retain a firm to assist with compliance monitoring and maintenance of a 24-Hour Short Term Rental Hotline for complaints.

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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 (B) above are as follows:

1. Any person who violates any provision of this Ordinance, including operating an STR without a license, or continues to operate a short term rental after the license for that short term rental has been suspended or revoked as provided in this Ordinance, 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 not more than Five Hundred and 00/100 (\$500.00) Dollars, plus costs of prosecution up to Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
2. If there are one or more violations during the permit year, the permit may be permanently 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 Cleveland Township Zoning Administrator and/or other persons designated by the Cleveland Township Board are authorized to issue all permits under this Ordinance and are also authorized to issue a civil infraction violation notice(s) and/or civil infraction citation(s) for violations of this Ordinance.

G. An owner may appeal a decision to revoke a Short Term Rental permit to the Township Board within 30 days of the date the written notification of revocation was issued.

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 Cleveland Township Board will, by policy, establish a later date that they will begin enforcement of this Ordinance.

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