

EMPIRE VILLAGE COUNCIL WORK SESSION
May 9, 2024 @ 7 PM
Empire Township Hall - 10088 W. Front Street

AGENDA

A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CHANGES OR ADDITIONS TO THE AGENDA

D. ADOPTION OF THE AGENDA

E. PUBLIC COMMENTS ON AGENDA ITEMS

F. COMMUNICATIONS

G. PRESENTATIONS

- 1) Wastewater Update Committee (Paul Skinner)
- 2) Short Term Rental Ordinance Committee Report and Recommendation (Dye/Walton)

H. PUBLIC COMMENT ON PRESENTATIONS

I. DEPARTMENT HEAD REPORTS

J. COUNCIL MEMBER / COMMITTEE REPORTS

K. OLD BUSINESS

- 1) Approve Minutes: Regular Meeting 04/23/2024
- 2) Rules of Procedure Review (Palmer)
- 3) Mass Gathering Waiver Form (Palmer)
- 4) Renovare Feasibility Study Update (New Village Office Committee)
- 5) Short Term Rental Next Steps Discussion (Dye)

L. NEW BUSINESS

- 1) Beach Parking Fees (Bacon)
- 2) Personnel Policy (Walton)
- 3) South Bar Lake Water Testing (Palmer)

M. PUBLIC COMMENT

N. COUNCIL MEMBER COMMENT

O. ADJOURNMENT

The below comments are designated as “P” (policy issue) or “D” (drafting issue). They address draft #8 of a regulatory ordinance as drafted by members of the committee.

As an overriding comment, the draft exceeds the scope of the charge to the Committee, which charge was limited to drafting a Registration Ordinance and associated forms to implement such. No motion was made at the Village Council and adopted by the Council to modify that limited charge. That limited charge was adopted after Trustee Dye withdrew her motion to accept an earlier 2023 STR Committee Report that had recommended the Village proceed with an ordinance addressing many of the topics this committee has, without authority, proposed for a regulatory ordinance. That motion was withdrawn when Trustee Dye was being questioned about the accuracy/foundation for its recommendations but before that questioning was completed.

Trustee Dye then—without it being an agenda item—moved that a Special Committee be formed for drafting a “Registration Ordinance” and that motion was adopted, with no subsequent amendment presented to voted upon by the entire Council. Confirming that the motion was understood as limited to a “registration ordinance” and associated forms, President Palmer presented, in the e-packet for the December VC meeting, her express understanding that the charge was to draft a “registration ordinance.” None of the trustees suggested to the entire Council in an open meeting that such a description of the charge was incorrect.

[Title]

[P] AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND ISSUANCE OF LICENSES FOR OF AND TO OBTAIN INFORMATION RELATING TO SHORT-TERM RENTALS WITHIN THE VILLAGE OF EMPIRE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE ORDAINS:

[Explanation: See above re scope of the Committee’s authority. . Gathering information should be the goal. There is no need to emphasize penalties at this time.]

SECTION 1: PURPOSE

[P/D] A. The Village of Empire is an appealing community for Short-term rental properties ~~of which there are many currently doing business,~~ **popularity of which has increased over the years.**

[Explanation: “many” suggests a need to limit; a decision that has not been made, particularly since the motion to accept the previous committee’s report was withdrawn. One purpose of registration is to obtain more facts, rather than rumor. It is misleading to say that the properties are “doing business.” An Owner may be described as “doing business,” but, in general that business is not done by or on the properties. Instead, the properties are used as dwelling units (building or portion which contain sleeping, living, and indoor sanitary facilities located under one roof, accommodating one family, either permanently or transiently).

[P/D] B. Short-term rentals (STRs) provide a community benefit by expanding the number and type of lodging facilities available that support commerce and assisting owners of short-term rentals by providing revenue **which may be used for, among other things, maintenance, upgrades, and** to help offset other costs.

[Explanation: the 2019-20 report recognized that operating as an STR helped defray cost of maintenance and taxes, with maintenance and upgrades encouraging return renters year after year, with competition aids in keeping rental properties in good condition. The 2023 Committee acknowledged that it had gathered no data to contradict those earlier findings.]

[P/D] C. ~~To remain and grow as a year-round community,~~ The Village has enacted this Ordinance to **Register monitor and License STRs, to gather accurate data that may be used to determine if further regulation is needed and appropriate.** ~~and strike a balance recognizing the interests of our Village residents, business owners, visitors, and property owners.~~

[Explanation: Licensing is beyond the scope of this Committee. Otherwise the motion to accept the report of the 2023 Committee would not have been withdrawn and a VC Special Meeting/Public Hearing would have been scheduled to solicit public input on a supposed need for regulation. Information gathering can be a first step—or final step. “Striking a balance” is premature in view of the 2023 Committee having shown, once again, that no actual problems have been occurring with STRs within the Village. Addressing only STRs does nothing to “remain and grow as a year round community.” Nothing has been presented that registering or licensing STRs in Empire will cause housing to not be purchased for seasonal residents and/or future retirements. No study has been reported on the number of potential buyers seeking full-time residency in Empire being shut out of the opportunity to purchase property in Empire.]

[P/D] ~~D. This ordinance is intended to protect the health, safety and welfare of the community by providing guidance to STR owners and renters.~~

[The Statement is disingenuous. The 2023 Committee presented no data showing that the health, safety and welfare of the community has suffered by reason of the operation of STRs— certainly no suffering as distinguished from what occurs with long-term rentals, seasonal occupation or occupation by so-called “full-time” residents (which includes those who spend much of the winter away from Empire). Pure speculation has no proper place in this ordinance.]

Section 2 Definitions

[D] **Agent** - A person, firm or agency **authorized to** representing the Owner of the ~~property used for tax parcel on which~~ a STR is located in the Village.

[Explanation: “property” should be “parcel” or “tax parcel”—which should become a defined term. Ask the Village staff what they mean by “parcel” in its tax forms and use that as a definition. (It may be what the ZO designates as “Lot of Record” or “Zoning Lot.” Whatever fits to the Committee’s intent.)]

[D] **Add: Bed and Breakfast Establishments: Any owner occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.**

[Term is as defined in the ZO. The term is used, but not defined, in Draft #8.]

[P] **Cap** - ~~The maximum~~ **A limit that may be imposed on how many** ~~number~~ of STR Dwelling Units ~~allowed within the Village limits~~ **may be located in all or portions of the Village.**

[Explanation: There is no authority for the Committee to propose a cap at this time, but the concept is one that may arise later, based on data obtained by implementing a registration process. A cap is not necessarily a number. It may be a percentage of parcel or residential parcels. It may not need to be village-wide. If lawful to do so, it may involve streets or neighborhoods that can show a special need/demand for a “Cap.”]

[D/P] **Good Neighbor Guide** - ~~Refers to a~~ **A specific document containing guidelines developed by the Village of Empire to ensure our residents' quiet and peaceful enjoyment of their neighborhood and provide information for occupants to STR renters as to neighborly conduct expected of those temporarily staying in the Village, consistent with what is generally expected of all residents.**

[Explanation: The guide should suggest no higher standard than what the Village expects of everyone. Sometimes, we all need reminding and the Guide can be such a reminder to strangers to the community. It is offensive, in the extreme, to suggest that we would impose a higher standard on visitors than we expect of ourselves!]

[D/P] Local 24-Hour Contact Person - A local Owner, operator or Agent of the owner who is available and authorized to respond to tenant, Village, and neighborhood questions or concerns, and authorized by the Owner to take remedial action, if necessary, and respond to any violation of this ordinance.

[Explanation: shortens definition: “authorized to respond” covers it. Response can be to concerns or questions by the Village. Note: history has shown a need for the same for so-called full-time residents (on winter vacation) and seasonal residents. See regulation section below on this topic.]

[D] Occupant - An individual temporarily residing in living in, staying in, or otherwise having possession of a Dwelling Unit operating as a STR short-term rental.

[Explanation: STR is later listed as the term for Short Term Rental, so use it. “living in, staying in, or otherwise having possession of” means “residing in.” Under Michigan’s Common Law, “[a]ny place of abode or dwelling place, however temporary it might have been, was said to constitute a residence.” Grange Ins Co v Lawrence, 494 Mich 363, 373 (2013) (emphasis added)

[D] Owner The Person or entity that holds legal or equitable title holder title to the property (or portion thereof) of the tax parcel on which a STR used is located.

[Explanation: eliminate need for “person or entity.” The draft application form refers to the tax parcel number. So use it here. Add a definition for that, as described above]

[D] ADD Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

[Explanation: The term is used in Draft #8 but not defined. The above is the definition in the ZO. If there are no “resorts” (or places for such) in the Village, then omit the definition and use of the term.]

[D] “Short-Term Rental (STR)”: Rental or leasing of Dwelling Unit or Accessory Dwelling rented for a period of time of less than thirty (30) consecutive days, excluding: Bed and Breakfast Establishments; Dwelling units of > 5 sleeping areas, if such sleeping areas are offered for individual separate rental; and resorts. [Are there any “resorts” in the Village?]

[Explanation: “Renting/rental” and “leasing” are synonyms, so skip the redundancy. If there might be a different connotation, “renting” usually connotes the concept of payment; leasing not necessarily so (although it often involves payment). “Lease” focuses on the legal relationship between landlord and tenant. Often, it involves payment, but the relationship does not require that.

- currently, B&B is listed as an exception to application of the draft ordinance, but it is easier to just define STR as not including B&B
- Need to add a definition of B&B—use the ZO definition (“**Bed and Breakfast Establishments:** Any owner occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation”).
- If anyone thinks Empire has—or may have in the future—a “resort,” then include it as an exception in the definition of STR, that would cover resorts and supply a definition for resort (from ZO). (“**Resort:** A recreational lodge, camp or facility operated for gain, and

which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.”)

- have a definition exception for the concept of a “hotel/motel/Inn,” but the ZO’s definition does not sufficiently distinguish STRs, except that a motel has more than 5 sleeping rooms. The ZO definition does not even require compensation for a hotel/motel/Inn. My suggestion is to create an exception that applies where sleeping rooms (>5) are, individually, available for rent. Or think of a better worded exception. But don’t use “hotel/motel/Inn” because of the screwy definition in the ZO.

My preference would be to use the term “**Short-Term Rental Dwelling (STRD)**” as a more accurate term. I have not done that here, but it better describe the subject of the ordinance.]

[P] Short-Term Rental License Registration: A Short-Term Rental License Registration duly issued by submitted to/filed with the Village of Empire.

[Explanation: Registration is what the Council asked to be drafted, not license.]

[P] Special Events ~~A gathering that occurs and causes significant disruption to neighbors and the surrounding community.~~

[Explanation: This explanation is also provided for the section that prohibits Special Events. First, this is not relevant to a Registration ordinance.

Plus, this is a meaningless standard. As can be seen by the Village having no similar enforcement against any other property owner in the village. The Hops Festival, the Hill Climb and just about any mass gathering allowed by the Village causes significant disruption to neighbors and the surrounding community.

As for an individual property, this is a solution seeking a problem that the 2023 STR Committee report did not find exists. (The report agreed with the 2019-20 report that “the general behavior of STR guests is acceptable with very few problems.” The 2023 report actually identified NO problems—despite an express charge to research “what is the problem that needs to be solved?”) So it is pure speculation that “special events” need to be addressed in this ordinance!

Better to address this, if really needed, with an amendment to the Village nuisance ordinance—that applies to everyone—with a statement as to exactly what is intended to be prohibited. The Village does not have a general “noise” ordinance, but that is addressed in several parts of the zoning ordinance. What other “disruption” is the concern? Public nudity?]

[D] ADD “Tax Parcel” or “Parcel” or whatever term you decide to use for the property on which an STR is located.

[Explanation: The ZO has several possible forms of “lot” (including Lot of Record and Zoning Lot, but the point is to describe what the Village is intending—just make it clear. An STR may be located across several lots or on just a portion of a single lot. The Committee’s draft form just uses Parcel number.

Section 3 Applicability

[D] A. ~~This ordinance applies to all residential Dwelling Units and Accessory Dwelling Units in the Village and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 consecutive days.~~

[Explanation: redundant to 3.D, Section 4’s introductory statement and Section 5.A.1.] .

[D] ~~B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, motels, hotels or resorts.~~

[Explanation: Not needed, if definition of STR is changed as above. Currently you don’t define the terms used. Why “legally permitted or non-conforming ...”? Are you intending that this Ordinance regulate unlawful B&Bs, etc? Won’t zoning take care of those?

[D] ~~C. This ordinance does not apply to rental units wholly contained within a dwelling occupied by an on-site owner.~~

[Explanation: Isn’t this covered by defining STR to not include B&B? See ZO’s definition of B&B.]

[D] ~~D. No STR may occur in the Village unless in conformity with the provisions of this Ordinance.~~

[Explanation: Not needed. It is redundant to Section 4’s introductory statement and Section 5.A.1. Avoid redundancy, if possible.]

[D] ~~E. This Ordinance does not affect additional or more restrictive requirements placed restrictions on the use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations, by laws, rental agreements, etc. or contracts to which such property is subject.~~

[Explanation: delete unnecessary words. All of the removed documents fall into deed restrictions or contracts.]

SECTION 4: SHORT-TERM RENTAL LICENSE REGISTRATION REQUIREMENTS

~~[D/P] It shall be a violation of this Ordinance to advertise or operate a STR in the Village without a STR License.~~

New A. An Owner shall not locate an STR in the Village without first registering the STR with the Village Office.

[Explanation. Give this a Letter, like rest of the provisions. The point is to prohibit an Owner from doing this.

- It should be limited to registration, not a license, as the Committee’s charge is registration.

- Why care about advertising, if no STR can be placed in the Village without registration (or license)? Why get embroiled in a First Amendment issue, if that is not needed?]

~~[D/P] old A. B The Village shall provide information covering the procedures~~ Forms for initial application, registration, issuance and renewal of STR Licenses Registration will be made available through the Village Office and the Village website.

[Explanation: the other “information” are matters of enforcement, either here or in resolutions. “license” provisions are beyond the authority of this Committee to draft.]

[P] old B. C Licenses Registration will be issued valid for a period of ~~one (1) year~~ **three (3) years, from the time registration is accepted until December 31 of the third subsequent year. They will be valid from January 1st thru December 31st of each year unless revoked for cause or until the dwelling is sold.**

[Explanation: Registering every three years should not be a burden. That will give the village the information it needs to consider more regulation, including licensing and/or a cap or caps. If licensing and caps are imposed, without a current need, provide for renewal during the year before the license expires—to cover advance booking issues. The expiration date of the registration [license] is chosen to make time to renew uniform—the end of a calendar year]

[P] Delete old C. (re persons authorized to issue STR License)—not needed for registration

[P/D] D. ~~The Village shall provide a STR License~~ A STR Registration Application Form that must ~~by filed out completely and accurately~~ be completed by **or on behalf of the applicant to be considered for a STR License Owner and received by the Village Office, in order for the STR to be located in the Village, provided that: an existing STR may continue in the Village if such a registration is received by the Village within 90 days after the later of (a) the effective date of this Ordinance and (b) notice of adoption of this ordinance is sent by mail, email or other adequate means to all listed owners of parcels in the village (e.g., in a tax notice or water bill). See also Section __ [whatever subsection addresses Caps].**

The ~~application~~ **Registration Form** shall include the following:

- 1 Address of property and parcel number.
2. Property owner name(s), address, phone and email.
3. Local 24-hour contact person's name and phone number.
4. Signature of property owners **or Agent.**
5. Maximum Occupancy **as established by Owner.**
- 6. Such additional information as may be contained in a Registration Form approved by the Village Council, by resolution.**

[Explanation: Licensing is outside the authorization of this Committee. The focus of registration is to gather information which will aid the Village in determining if regulation is needed. Such information may include: Health Dep't approval of waste treatment based on number of bedrooms; available off street parking; whether owner occupies part of the Dwelling (answer should be no—or else the rental is actually a B&B); notice to neighbors of contact information; past practice of “good neighbor” expectations; existence of past complaints/evictions; history of rentals in previous two years; advance booking practice; providing sealed receptacles for trash disposal without overflow attractive to vermin (and bears)]

[P/D] E. ~~The renewal of an active STR License will be guaranteed if the completed renewal application is received on or before the date specified by the Village.~~ **Renewal of a three (3) year registration [application for renewal of a three (3) year license] may be submitted up to one year in advance of expiration of an existing STR Registration [License].**

[Explanation: Renewal raises two issues: general timing and the impact of Cap(s).

As to the timing issue, because I propose a three year registration, I propose that renewal registration can be submitted early enough to know that the registration/license will be in effect, so as to allow bookings a year in advance. If renewal is, in fact, automatic (with no further fee), then early submission may not be needed and the committee’s draft provision may be reworded as

“The Village will not deny renewal of an unrevoked STR registration [license} if the completed renewal registration [application] is received by the Village on or before the expiration date of the unrevoked registration [license].”].

To the extent the Committee’s draft provision is intended to address concern about application of a later adopted Cap situation, it should be moved to a provisions relating to Cap(s). See suggestions as to Old J and K, below.]

[P] F ~~The completed STR Registration Form shall identify~~ each dwelling unit on a parcel. ~~must be licensed separately. No more than two dwelling units may be used as a STR on any parcel.~~

[Explanation. In addition to lack of authority to draft a licensing ordinance, there is no good reason to limit the number of dwelling units on a parcel. Zoning will address that. There is no reason that two dwelling units on a parcel cannot be the subject of one registration/license, if that is disclosed.]

[P/D] G. ~~The STR License Registration shall only be issued~~ ~~apply~~ to the Owner of the tax parcel ~~named on the completed Registration Form~~ property and cannot be transferred to another Owner of Property. ~~The STR Registration is not transferrable and does not run with the Property Ownership.~~ Ordinarily, in the case of a sale or transfer of the tax parcel ownership in the middle of a year where the property has already been booked by renters, a, a new Owner desiring to continue the STR must complete a new Registration Form to continue the STR under that new Registration. Such registration, however, will be subject to the below provisions on Caps. the seller may appeal to the Zoning Administrator to allow the fulfillment of those bookings in that same year. ~~(We need to look at this further or ask our lawyer and perhaps a real estate lawyer)~~

[Explanation: Even as a licensing ordinance, the final part of this subsection, leaving it to the ZA’s unrestricted discretion as to what to allow, would be invalid.

Non-transferability to another property is addressed by limiting the license/permit to the listed parcel.

As a registration ordinance, new owners can simply submit a new Registration Form as of the date of transfer—so it should not affect fulfillment of bookings that preceded the transfer. If licensing is used, and the only issue is potential delay in processing an application, either the risk can be placed on the buyer to get that done before the transfer is complete or this ordinance can provide a grace period for the remainder of the year of the transfer in order to receive a new license.

The real issue is the effect of a Cap, if any is adopted. I address that in the below section as to Caps. (A grace period is appropriate where the beneficial ownership is not substantially changed—as may occur in estate planning—or death of the previous owner and inheritance by a close relative.)

As a licensing/permit ordinance, prohibiting transfer of the permit to a new Owner of the same parcel would be based on the concept of imposing a cap or caps and either (a) reducing the number of STRs allowed; or (b) a “fairness” concept of opening up the ability of Owners of other parcels to have STRs. Codifying either seems premature, until a registration ordinance has been put in place and sufficient information has been obtained to inform decisions on caps, including whether (and how) to implement them.]

[P] Old I (there was no “H”). H. The Village Council ~~may shall~~, by Resolution, adopt ~~and amend~~ a fee to be charged for an STR License Registration ~~and may amend the fee by Resolution~~. ~~Any such fee will be listed in the Village’s schedules of fees.~~

[Explanation: Because the Village—and ALL of its residents—are the beneficiaries of Registration (and the goal being information gathering) no fee should be imposed initially. This should enhance compliance and information gathering. At a later time, the Village Council may decide that imposing a fee would be appropriate.

This does not expressly address a fee for renewal. If a fee is intended for that, it should be expressly stated.]

[D/P] Old J and K. I. **Cap(s)**

1. The Village Council ~~shall/may~~, by Resolution, adopt a Cap ~~or Caps for STRs in the Village~~. ~~Such a Cap or Caps shall not invalidate a Registration [license] in effect before adoption of the Cap. Such a Cap or Caps, if adopted within six months of the effective date of this Ordinance, shall not restrict an Owner from registering [applying for licensing] an STR within the time set forth in Section 4.D.~~
2. ~~The Village will not deny (by reason of a Cap) renewal of an unrevoked STR Registration [License] that obtained in accordance with subsection 1, if the completed renewal registration [application] is received by the Village Office on or before expiration of the then existing registration [license].~~
3. ~~Such a Cap shall not restrict an Owner of a tax parcel from registering [applying for licensing] an STR for that tax parcel, if, at the time this Ordinance becomes effective, a Dwelling Unit or Accessory Dwelling does not yet exist but has begun substantial construction on that tax parcel and the Owner supplies written notice to the Village, within 90 days of the effective date of this Ordinance, of the Owner’s intent to register as an STR upon construction completion.~~
4. ~~If a transfer of legal or equitable title of a parcel (on which a registered STR is located), does not substantially change the beneficial ownership of the parcel and a new Registration Form identifying the name of the new Owner is received by the Village Office within 90 days of such transfer, application of a Cap shall be the same as if there had been no transfer.~~
5. ~~If a transfer of legal or equitable title of a parcel (on which a registered STR is located) occurs due to the death of an Owner, and the transferees are related by the 3rd degree of consanguinity (or closer) and a new Registration Form identifying the name of the new Owner(s) is received by the Village Office within 90 days of such transfer, application of a Cap shall be the same as if there had been no transfer..~~

~~[Old K] If the number of STR applications exceeds the Cap the applications will be placed on a wait list in order of date received.~~

[Explanation: Only registration is authorized to be drafted by this Committee.

My proposal combines the subsections related to Caps. In subsection 1, unnecessary wording already covered by the definition of “Cap” is deleted. The addition of “or Caps” reflects the possibility that Caps may be imposed on certain streets or neighborhoods, where justified, even if a village-wide Cap is not—or in addition to a village wide Cap.

Subsection 2 moves to here the topic (related to Caps) addressed in the current draft by subsection 4 E, as I suggest it be modified. I use the term “unrevoked” in place of “active” Registration License, because I think that is what was meant. That is one aspect of a “nonconforming use” being protected. I assume that the current wording of “guaranteed” is not really intended, if there is a reason—other than a Cap—for denying renewal (e.g., not paying a fee for renewal—is there a fee? Note that I don’t intend there be a fee for registration but suspect a fee is appropriate for a license). **Perhaps the Committee intended that once a registration [license] is obtained, the only basis for non-renewal is if the registration [license] is revoked—in essence an automatic renewal—and that the fee for registration [license] is a one-time fee for the initial registration [license]. If that is what was intended, then the phrase “(by reason of a Cap)” can be omitted.**

Subsection 3 gives assurance (similar to §3.01.3 in the ZO) appropriate to those who have expended substantial sums in preparation for having an STR that the Village will not disregard their financial commitments. The critical time for structures having begun substantial construction when the ordinance takes effect is for the owner to act within 90 days of that effective date of the Ordinance. That period is suggested in case the ordinance takes effect in the dead of winter—just as occurred with receipt of the prior Committee’s report and establishment of this Committee, with no general publicity to those who intend to have an STR in the Village. That could be longer or shorter.

Current K is deleted. Other than assurance about nonconforming STRs, it seems premature to decide how to address excess demand for STR registration/permits, without knowing the kind of Cap that may be imposed. The choice of “first come, first served” vs “lottery” (or any other test) should be left as an option for the Council to choose. The former raises issues of delays in mail vs physical delivery vs email that is not reviewed promptly.

Last, on this topic. My proposed language protects only against Caps established by Resolution—not Caps established by an Ordinance. **Note that nothing in the draft or my change would prevent the Council from later enacting, by Ordinance, a Cap that does not preserve ANYONE’s “right” to locate an STR (including existing dwellings, planned for existing dwellings and planned for under construction dwellings).** As a police power, such do not have statutory protection. (The Village’s attorneys can advise on Constitutional claims such as substantive due process or takings without compensation, if the Village considers going that route.)

[D/P] SECTION 5: RULES FOR REGISTRATION

A. General Regulations Guidelines

1. ~~All short-term rental operations~~ **Owners of STRs shall, at all times, comply with the requirements of this Ordinance.**
2. ~~All STR Lodging is to be exclusively within the Dwelling Unit and shall not be in a recreational vehicle, camper, or tent.~~

[Explanation: [D]. Clarity and deleting unnecessary words.]

B. Local-24-Hour Contact Person

1. ~~The Registration form shall request that the Owner of a STR must designate~~ **identify the name and phone number of** a Local-24-Hour Contact Person. ~~who has access and authority to assume management of the unit and take remedial measures if necessary.~~
2. ~~The Owner will provide the phone number of the Local 24-Hour Contact Person to all immediately adjacent neighbors along the subject property's boundaries. An Owner~~

~~meeting the requirement may designate themselves as the Local 24 Hour Contact Person.~~

[D/P]Explanation: The definition of Local Contact Person addresses the function. There has been shown no existing problem requiring a “24 hour” local contact person. Certainly none that may not also exist for seasonal residents or so-called full time residents who absent themselves from their homes, from time-to-time. This could be revisited, if actual problems arise often enough to address this for STRs. An example of a solution in search of a problem.

This could include a requirement for designation, but, initially, I think it should only be a “fill-in” on the Registration Form, until some actual problem for STRs—separate from problems for any absent property owner—are shown to exist. I suspect that most, if not all, current STRs do have a local contact person and will provide that information on the registration form. “Local” cannot easily be defined with respect to the purpose intended and can be satisfied by identifying someone who can fulfill the requirements, no matter where located. Indeed, the word “Local” could be deleted. I have left it in for its suggestive value.]

C. ~~Maximum Occupancy Shall be determined by the owner as shall be indicated on the license application.~~

[D/P Explanation: This is redundant to the revision of old Section 4 D, which requires maximum occupancy (as established by the Owner) to be included in the Registration Form. (or license application, if the Committee insists on going outside of its actual authority).]

D. ~~No special events are allowed on STR property.~~

[P] [Explanation: See the explanation for deleting the definition of Special Event. This is not relevant to a Registration ordinance.

Plus, this is a meaningless standard. As can be seen by the Village having no similar ordinance against any other property owner in the village.

The Hops Festival, the Hill Climb and just about any mass gathering allowed by the Village is a gathering that occurs and causes significant disruption to neighbors and the surrounding community.

As for an individual properties, this is a solution seeking a problem that the 2023 STR Committee report did not find exists. The report agreed with the 2019-20 report that “the general behavior of STR guests is acceptable with very few problems.” The 2023 report actually identified NO problems—despite an express charge to research “what is the problem that needs to be solved?” It is pure speculation that “special events” need to be addressed for the Village, in this ordinance!

It would be better to address this, if really needed, with an amendment to the Village nuisance ordinance—that applies to everyone—with a statement as to exactly what is intended to be prohibited. The Village does not have a general “noise” ordinance, but that is addressed in several parts of the zoning ordinance. What other “disruption” is the concern? Public nudity? Prepare a general ordinance that addresses whatever is meant by this and apply it to everyone.]

E. ~~All Village, township and County ordinances must be complied with.~~

[D] [Explanation: Does anyone believe that this actually adds something? This is a statement that already applies to ALL property owners in the Village. Or is this merely a statement that: “WE REALLY MEAN IT FOR AN OWNER OF AN STR!” Stop being silly—or sneaky, if there is some particular ordinance the Committee thinks applies.]

~~F. 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~~

[P] [Another example of a solution searching for a problem. The 2023 Committee did not report on any problems on this topic. At most, the registration form/application could include a request for information on this topic, to assist in determining if a future amendment should address this.]

~~G. Septic Systems: Any STR that is determined to have a failing septic system shall immediately cease STR operations until approved by the Health Department.~~

[P] [Another example of a solution searching for a problem. The 2023 Committee did not report on any problems on this topic. The County’s environmental regulations adequately address the consequence of a failing waste disposal system

At most, the registration form/application could (and should) include a request for information on this topic—fact of and date the Health Department approved the sanitary waste disposal system for the parcel.

~~H. Safety: Emergency contact information and phone numbers shall be posted within the dwelling unit where they are clearly visible by or on the primary access door used by the occupants of the dwelling.~~

[P] [Another example of a solution searching for a problem. The 2023 Committee did not report on any problems on this topic. At most, the registration form/application could include a request for information on this topic, to see if an ordinance amendment should address this. It is not really a concern for Village government.]

~~I. The STR License Number issued by the Village and maximum occupancy shall be included in any advertisement for the dwelling unit.~~

[P/D] [Explanation: Why does the Village want to get involved in the content of advertisements?

As to including “maximum occupancy,” there has been no “excessive-occupancy” problems identified in the 2019 or 2023 STR reports as having occurred in the Village.

As for including the registration/license number, is this intended as some sort of “gotcha!” provision? “Aha! the STR has caused no problems but, sometime, an advertisement did not include the Registration [or license] number?”

There is no definition for what constitutes an “advertisement” for an STR dwelling unit. Does any conversation about availability of an STR for rental need to include a statement of the STR Registration/License number? Or an email response to an inquiry about such a rental?

Better to save this topic for the time a Cap is actually imposed and the Village commits to seeking out and punishing lawbreakers. Then put this sort of provision about including a registration/license number into a section addressing Caps: “Once a Cap is established, any communication inviting (by advertisement or otherwise) rental of an STR must include disclosure

of the applicable STR registration/licensing number.” Then, the STR enforcement officer can spend his days searching for a communication that omits the number.]

J. ~~It is the Owners responsibility to inform the Village~~ Within thirty (30) days of any change in contact information for the Owner, Agent, or Local 24-Hour Contact Person, **the Owner shall inform the Village of the new contact information.**

[P/D] [Explanation: Some is just clarity—using an active verb (“shall inform”) rather than “it is the Owner’s responsibility to inform.” See above discussion of deleting the “24-Hour” aspect of that term. I don’t see “agent” used other than for that contact person.]

K. ~~The Owner shall provide a renter shall be provided~~ access to the Good Neighbor Guide.

[D] [Explanation: using an active verb]

SECTION 6: VIOLATIONS

Any of the following will be considered a violation of this ordinance:

[D] ~~1 Failure to update information with the Village such as the owner, agent, or 24-hour contact information within thirty (30) days of such change;~~

[Explanation: Redundant to §5.J]

[D] ~~2. Advertising a short-term rental for an occupancy in excess of that allowed under the License issued by the Village.~~

[Explanation: there is no maximum occupancy under the License or registration—just a maximum set by the Owner]

[P/D] 3. Failure of **both the License holder Owner and or their designated Local 24-Hour Contact Person** to be **reasonably** available at ~~any time~~ during the **term** tenure of an active STR rental, **causing an unreasonable delay in receiving and responding to a communication from the Village or neighbor about the conduct of renters of the STR.**

[Explanation: Be serious. The 2019 and 2023 reports provide no basis for believing this is or has been a problem in the Village. There is no place for a gotcha violation where people have acted reasonably and no harm was done.]

[P/D] 4. **Intentionally** providing false or misleading **material** information on the **STR registration form** [application for a STR License].

[Explanation: Intentional misconduct justifies deeming it a violation. Materiality avoids “technical” violations that cause no harm.]

[D] ~~5. Failure to obtain a STR License when operating a short-term rental.~~

[Explanation: Redundant to the obligation to obtain a registration [license]

[D] ~~6. Failure to comply with any other provision of this Ordinance.~~

[Explanation: Redundant in the extreme.]

SECTION 7: PENALTIES-The penalties for violations of this Ordinance are as follows:

[D/P] 1 For a first violation within any calendar year, ~~the penalty is~~ **the Owner shall be subject to a written notice of violation and a \$50 fine.**

[Question: Are you imposing a fine without a civil infraction citation? On what basis? So is this a criminal misdemeanor? Who suggested this? No due process? No opportunity to contest it? Style revised to fit the other subsections and make it clear that the penalty is on the Owner.]

2. After notice and opportunity to correct the first violation, **for** a second violation within the same calendar year **at a single STR, the Owner** shall be subject to a municipal civil infraction citation **with a civil fine in an amount not to exceed** of \$200. ~~All owners, regardless of their interest in the property, may be held jointly and severally responsible for any such municipal civil infraction.~~

[D] *[Explanation: Single STR is added because that is what is put in #3. I assume that #3 is what was intended. Added wording re fine tracks ZO wording. Stricken sentence about "all owners" is covered in the definition of "Owner."]*

3. After notice and opportunity to correct the second violation, **for** a third violation within the same calendar year at a single STR unit, **the Owner** shall be subject to a municipal civil infraction **with a civil fine in an amount not to exceed** \$500, and the license for that STR unit may be revoked **by written notice sent to the Owner.**

[D] *[addition to track ZO wording. Question: revocation by whom? How? **What standard for revocation?** Unlimited discretion? some notice should be given to the Owner, correct?].*

[D/P] 4. An **Owner** may appeal a decision to revoke a license to the Village Council within thirty (30) days of the date ~~the~~ a written ~~note~~ notice of revocation was issued **and sent to the Owner.**

[What standard? Just that there was no violation? or what else? VC decides "de novo" or some other standard? Majority needed to uphold the revocation? or to reverse the revocation? Majority of all council or majority of a quorum? timing should be based on notice to the Owner.]

5. **If registration [license] has been revoked, the property Owner may reapply for a registration [permit] in the following calendar year if all fines have been paid and/or civil infractions finally dismissed** ~~violations have been resolved.~~ **If there is a Cap STR waiting list, a new registration [license] for must await will cause the Owner/parcel cannot occur until all other Owners then waiting, by reason of the Cap, have been allowed to register [or apply for a license] to be placed at the bottom of the waiting list.**

[D] *[Explanation: clarity.]*

SECTION 8: ENFORCEMENT OFFICIAL

The Village Zoning Administrator or any person officially authorized by the Village of Empire Council are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this ordinance.

[D] *[Comment: Do you want to specify who decides if a court case will be pursued? Who is to impose the first violation \$50 fine, as currently drafted in section 7.1, since it is not stated to be a civil infraction? What about revocations?]*

[D] SECTION 7: CIVIL ACTION

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the village may initiate proceedings ~~in the District Court~~ to abate or eliminate a violation of this Ordinance.

[D] [Explanation: village can initiate such a proceeding wherever the law allows it. Ordinance doesn't need to say it.]

SECTION 8: 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.

[Comment: BE SURE THAT NO SECTION IS SO IMPORTANT THAT YOU DON'T WANT AN ORDINANCE WITHOUT IT. (e.g., if the only reason is to impose a Cap, then don't say that ordinance remains in effect without a Cap; If preserving nonconforming use type language is so important, the same. If being able to impose fines is critical, the same.)

SECTION 9: EFFECTIVE DATE

Village of Empire Deputy Clerk

From: Derith Smith <clerk@villageofempire.com>
Sent: Monday, April 22, 2024 12:39 PM
To: Alacia Acton
Subject: Fwd: Review of the Village of Empire Short-Term Rental Ordinance. DRAFT #8
Attachments: VILLAGE OF EMPIRE STR Comments to STR Committee.docx

FYI

Derith A. Smith
Empire Village Clerk
11518 S LaCore St., PO Box 253
Empire, MI 49630
231-326-5466

PLEASE NOTE: All correspondence to and from this address is subject to the Michigan Freedom of Information Act (FOIA) and may be disclosed to third parties.

----- Original Message -----

From: Frank Clements <frankclements007@yahoo.com>
To: Derith Smith <clerk@villageofempire.com>
Cc: Frank Clements <frankclements007@yahoo.com>
Date: 04/22/2024 11:15 AM EDT
Subject: Review of the Village of Empire Short-Term Rental Ordinance. DRAFT #8

Date: 4/22/2024

From: Frank Clements

To: Empire Village Council and Short-Term Rental Committee. c/o Village Clerk

Dear Council and Short-Term Rental Committee,

Thank you for your work on the creating a Short-Term Rental Ordinance for Empire. It is an important matter to the long-term viability of our Village and to our single-family neighborhoods. I am for establishing a Short-Term Rental Ordinance with a corresponding cap, but I recognize any regulations need to strike a balance between the needs of neighborhood single family homeowners, property owners, visitors and short-term rental owners. With this in mind, attached are my comments and observations on Draft Ordinance #8.

I have delayed giving you any comments on the Instructions for Applying for a Short-Term Rental License, and the Village of Empire Short-Term Rental Application Form, as their development appears to be dependent upon a more refined STR Ordinance Draft? They are critical and integral to this STR Ordinance, so I look forward to their ultimate review.

Because of my review's detailed technical nature, it is not necessary to read it at the Council meeting. Copies in their packet should suffice.

Thank you,

Frank Clements

VILLAGE OF EMPIRE
SHORT TERM RENTAL ORDINANCE

Ordinance No. (DRAFT 8)

(COMMENTS and OBSERVATIONS PROPOSED BY FRANK CLEMENTS)

April 22, 2024

SECTION 1: PURPOSE

The current Purpose statements do not adequately reflect a balanced view of the communities need for a STR Ordinance. The statements talk about protecting the rights of STR owners, and their benefits, but there is little about protecting the existing rights and integrity of the residential neighborhoods which were originally developed with the intent of preserving single family home occupancy, while preserving our character and small village atmosphere.

I propose adding the following purpose statements to represent the single family home owners' rights and interests:

- A. *Add at the end of the existing sentence: It is also home to many single family residential neighborhoods*
- B. *Modify as follows: Short-term rentals (STRS) allow law abiding residents the option of utilizing their homes and accessory dwelling units as short-term rentals to create revenues and generate supplemental income.*
- C. *No changes*
- D. *No changes*
- E. *Consider adding this statement from Village Master Plan: "The Village suffers from a shortage of affordable housing and long-term rentals, for permanent and long term renters of the Village, which can limit economic growth and drive up costs for residences". This Ordinance will seek to help provide the need for a balance of all the housing types as outlined in the 2008 Village of Empire Master Plan Update.*
- F. *Consider adding: The building of or purchase of available housing units for investment to operate short term rentals may further diminish the availability of affordable housing, long term rentals, and single family homes, for the residents of the Village.*
- G. *Consider adding: The residents of Empire wish to preserve and maintain the current small town character and its friendly residential spirit while protecting everyone's property rights to conduct normal, daily activities without reasonable interference and to provide safe and healthy living arrangements for visitors who rent on a short term basis.*
- H. *Consider adding: This ordinance ensures that owners or operators of a short term rentals follow applicable regulations, including the payment of all applicable fees and taxes.*

SECTION 2: DEFINITIONS

As used in this ordinance

- *Bedroom should be defined See SECTION 4 D. 5 for proposed language.*

- *Condominiums need to be and defined. Our zoning ordinance defines "Condominium Units as, that portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed." I interpret this to say if the master deed allows STR"s they are permissible, but if the master deed specifically prohibits them, then they are not allowed. Because this is a Regulatory Ordinance, and is independent from our Village Zoning Ordinance, I believe this ordinance needs to add its own definition of Condominiums. Furthermore, to prevent investors from building condominiums to be solely used for investment, it should be stated that owners of a condominium unit shall be an individual that holds the legal deed or title to the property, (or portion thereof) and cannot be a Corporation, LLC, Firm, and Association, Partnership or other legal entities. The Village will not issue licenses or registration to properties with restrictive HOA covenants prohibiting short-term rentals.*
- *Ground Condominiums may need to be defined as well?*

Local 24-Hour Contact Person. This paragraph needs to have a time limit as to how many hours this person has to respond and to resolve the problem.

SECTION 3: APPLICABILITY

- Nomenclature inconsistencies, Terms residential Dwelling Units, and Accessory Dwelling Units, are not consistent with definitions.*
- Not clear, what does this mean?*
- Nomenclature inconsistencies, Terms rental units and a dwelling*

SECTION 4: SHORT-TERM RENTAL LICENSE REQUIREMENTS

Should this title be, SHORT-TERM RENTAL REGISTRATION?

- Doesn't this Section (E) provide that information?*
 - Add: You must reapply for a permit or registration each year on or before January 1. You must provide all required records at the time of renewal. The Village will process applications in the order of receipt and will issue new permits in the order that complete applications are received. If the number of permits reaches the -X- permit limit, then the Village will add applicants to a waiting list until a permit becomes available.*
 - No changes*
- D.5. I suggest that Maximum Occupancy of a Dwelling Unit or Accessory Dwelling Unit be determined in the following way: The maximum sleeping occupancy of a short-term rental shall be limited to two people per the number of legal bedrooms (as defined by County Building Codes) plus four (4) additional individuals. Bedroom would be defined as, BEDROOM: a dwelling room used or intended to be used by human beings for sleeping purposes. This is a simple straight forward calculation, easy to calculate and enforce.*
- Applicant shouldn't be "guaranteed renewal" if he has outstanding complaints and is not in good standing or with outstanding health, safety issues with his STR unit.*
 - What's the definition of parcel? Does this mean if there are 10 condos on one parcel, then only 2 STR's are allowed?*
 - Missing 'H' designation*

J, K. I will respond to both paragraphs with my recommendations regarding Caps under separate coverage.

SECTION 5: REGULATIONS RULES for REGISTRATION.

I would like the following additions to this Section be considered as follows:

- *A short-term rental unit cannot be within 50 of an existing short –term rental unit, measured at the property boundary. The Front Street Zoning District would be exempt from this requirement. This regulation prevents single family dwelling units from being surrounded by STR’s.*
- *A short-term rental unit must meet all applicable building, fire, and safety codes.*
- *All short term rental properties must have a local operator available 24 hours per day, 7 days a week. The local operator must be able to be physically present at the short-term rental unit to respond to emergencies and complaints with 2 hours of receiving the complaint.*
- *All short–term rental owners shall pay all applicable local, state and federal taxes, including gross receipts tax, and income tax. (Just as local motels, B&B’s are required to do)*
- *Owners of short-term rentals must comply with all State of Michigan, Leelanau County, and Village of Empire safety standards related to smoke detectors, carbon monoxide detectors fire extinguishers, and building capacity.*
- *In response to a complaint regarding a registration or license, an inspection may be made by the Village during the term of a registration or license providing reasonable notice is provided to owner.*

Date: April 30, 2024

To: Empire Village Council and Short-Term Rental Committee

From: Frank Clements

Re: Short-Term Rental Ordinance Caps

Dear Empire Village Council and Short-Term Rental Committee,

Background:

From the letters submitted by current short-term rental owners in the Village, I sense concerns of theirs include grandfathering and the number of caps on STRs, both now and in the future. Conversely, single family residential homeowners want to know their homes and neighborhoods will not be adversely affected by an unreasonably high, or no STR caps. Both views are legitimate and need to be discussed and resolved into equitable solutions. These discussions need to happen soon, well in advance of the study's end date and subsequent public forums or community gatherings.

I have faith the current draft ordinance addresses the regulations of most health, safety and welfare issues, as well as nuisance issues, and will receive approval. Now it's time to discuss caps on STRs. To facilitate a dialogue or discussion, I have prepared the following information:

Current Situation:

- From the 2023 STR Committee's report we can see that Short-Term Rentals have increased by **28%** over the last 4 years, while Long-Term rentals increased by only **1.8%**. At this rate in four years the number of STRs would be 81. A concerning, unsustainable trend.
- Empire currently consists of **376** housing units of which **65** are considered STRs. This means over **17%** of our housing stock in Empire is already STRs.
- The average cap to STRs in Leelanau County communities is **6.4%** of each community's housing stock. This information is from a project memorandum report prepared by the consulting firm of a Beckett & Rader¹ for the Village of Suttons Bay, and reflects the review of 51 existing short-term rental ordinances in the State of Michigan as well as multiple villages and townships in Leelanau County. The report went on to point out they

found that most Leelanau County communities with a STR cap have not met the current cap.

- Over **48%** of the Short-Term Rentals in Empire are located in the General Residential Zoning District, a district of single family homes and neighborhoods which currently only allows the lowest density for single family homes. From a zoning perspective of protecting single family homes from incompatible uses, this district is the last one which would allow commercial business, such as Short-Term Rentals. (The current percentage of STRs per zoning districts is: Front Street District 14%, Gateway Corridor District 1%, Village Residential District 21%, General Residential District 48%, PUD 14%, Mixed Residential 1%, Light Industrial 0%)
- Out of the **65** STRs identified in Empire, **39** of them use some form of national online host program like VRBO to market and manage their transient Short-Term Rental business. This may indicate a majority of the owners are passive out of town investors, not mom and pop operators like we have been led to believe, who are just looking to pay their property taxes or earn a little extra income. The majority of STR owners appear to be out of town for profit businesses.

Considerations for STR Caps:

The following are examples of ranges of STR caps which could be considered.

- A cap of **6.4%** on 376 units = **24** units. (16:1 ratio)
(The Suttons Bay Study found in Leelanau County the average cap is 6.4% of the housing stock.)
- A cap of **12.8%** on 376 units = **48** units. (8:1 ratio) (This is the number of units allowed if the County wide average of 6.4% units *were doubled*.)
- A cap of **17%** on 376 units = **65** units. (6:1 ratio) (This is the number of units currently classified as STRs in Empire.)

Ratios are important indicators of density or frequency. For example, a ratio of 16:1 means that there are 16 single family homes to every one STR on a street or in a block, a low density/frequency. A 6:1 ratio indicates there are only 6 single family homes to every one STR on a street or in a block, and is considered a high density/frequency.

Proposed STR Caps for Empire:

I believe the 65 operating Short-term Rentals in Empire exceeds our community's capacity and are inconsistent with the goals of the Empire 2019 Master Plan Update Housing section which states; "The objective is to provide a wide variety range of housing types, sizes, densities to ensure housing options for all incomes, ages, household sizes and abilities conducive to the Villages small town character". These objective came from community surveys, community workshops and other public participation activities and, as such, reflect the broad sentiments of our residents. This report did not advocate for any STRs, it only stated that they needed more study.

With STRs composing roughly 17% of the total housing stock in the Village, and trending rapidly to more, it is necessary to establish a cap on the number of STRs permitted.

I propose we immediately establish a moratorium on any increases to our current 65 STRs and work toward reducing this number to 45 STR units through natural attrition. This number (45) seems very reasonable in that it is twice the average cap allowed in most Leelanau County communities.

To encourage the placement of STRs in a commercial zone where they are a more compatible use and to limit the number of STRs in single family residential neighborhoods, the Front Street Zoning District and the Gateway Zoning District would be allowed STRs without any caps. The number of STRs in these two districts would not be counted against the proposed 45 STR cap.

Question:

Will Empire stay a thriving family oriented community with a small town atmosphere or will it become a place where the homes are for tourists, and shops and stores are only for tourists, a place where no one lives there anymore?

These towns are called Zombie Towns. If we don't have a short-term rental ordinance that protects the health, safety and welfare, controls nuisances and limits the amount of STRs, will we become a zombie town? I hope not.

Thank you for your consideration of this matter,

Frank Clements

1. Village of Suttons Bay Project Memorandum, 10/21/2024

Proposed Ordinance 1

The initial charge from the Village of Empire Council was

On November 9, 2023, Village Council established a special committee to draft a registration ordinance and any other forms that may be necessary to implement a Short-Term Rental Ordinance.

As charged by the Empire Village Council in November 2023, Proposed Ordinance 1, is a Registration Ordinance, Property Owners that currently have STRs are encouraged to register their STR. This Ordinance is for data gathering to understand how many STR's are currently in place as well as to understand how many property owners would like to have the option of using their property in that manner.

Conclusions made in the 2023 STR Council Report

Every new STR does take away from the potential year round or long term rental housing stock. It is this committee's view that it is in the best interest of the Village to preserve and maintain the residential community character of the Village by limiting the number of STRs allowed in the Village.

CLOSING OBSERVATIONS

The Leelanau County Housing Action Committee (HAC) has as its first goal for 2023 to "Promote the preservation of existing affordable homes and rental units, and limitations on STRs."

Networks Northwest says "Every community has to decide if a STR ordinance is right for them and if now is the right time to enact an ordinance. It is good to keep in mind, however, that communities have found it easier, and less contentious, to enact an ordinance before it becomes a local crisis."

The National League of Cities in their "Short-Term-Rental Regulations: A Guide for Local Governments" states that "it is important to pass regulations early. It is easier to limit the spread of STRs before they have proliferated than to retroactively remove them."

You can also look at page 27 and 47 of the Master Plan for the Village of Empire to see how the issue is addressed in the Master Plan.

Why is there a wish to control the growth of STRs?

What are the realities?

- *Point of Reference (2023 STR Council Report)- Empire is made up of Full-Time (Homestead) and Seasonal (Non-Homestead) property owners. According to the data collected for the 2023 STR Council Report presented in November,*
 - 147 Full Time
 - 131 Seasonal
 - 22 Long Term Rental (LTR)
 - 63 Short Term Rental (STR)
- *Empire has ALWAYS had seasonal residents. The Village atmosphere depends on summer visitors. Empire is also home to single family full time residents as well as seasonal single family residents, in addition to single families that desire to temporarily enjoy and reside in our small town inclusive neighborhoods.*
- *Empire has attracted retirees, working families and vacationers for decades. Many have moved to Empire permanently, many left and have come back to retire. In many cases as those generations age, the next generation is faced with the financial feasibility to continue to own their property. There also is a tendency to neglect the "seasonal" property owners as those that do not*

benefit the community, well their TAXES and support of local businesses certainly support the Village economy.

- *The Village benefits from STRs by the income brought in through taxes, enjoyment of Village businesses retail and restaurants, local Contractor services, like plumbers, electricians, carpenters, lawn maintenance, property managers just to name a few.*
- *Those in favor of STR regulation, cite that STR's are a "commercial" business. While there have been several Michigan Appeals Court rulings, there is NO current Michigan legislation that defines STRs as a "commercial" enterprise.*
- *STR owners in Empire are NOT "investors" interested in "cashing in", they are property owners that see the opportunity to*
 - *"Recoup" some of the ownership cost.*
 - *Families that have owned a property and now are faced with trying to hold on to it*
 - *Young families that are buying or building with the aspiration of providing a lifetime experience for their children.*
 - *Empty nester families that are looking to one day live in Empire permanently.*
- *The facts- it is costly for these STR owners, Taxes are 40% higher, taxed at the seasonal (non-homestead) rate, need for additional insurance coverage, costs to advertise on STR social media platforms, cleaning and maintenance and if they have a property manager example (like VACASA), there is a 35% service charge for every booking.*

- *Regulating STR's properties will NOT increase "affordable housing or long term rentals." There is no correlated between property market values and increased regulation of STRs. As properties come on the market those Buyers that NEED to use the property as an STR will self select out, if it does not make financial sense. Buyers that do not need that rental option, will likely come up seasonally and the homes will remain vacant the rest of the year. Market property values are driven by supply and demand. The value of a property is based on the SEV (State Equalized Value) and Assessed value of that property.*
- *There have NOT been violations (ie parking, noise and trash) that have arisen out of STRs .*
- *The Village Master Plan currently does NOT address STRs and their regulation. Should that possible regulation be used to deny property owners their rights? (Page 27 and 47)*
- *STR owners have to maintain their property to attract renters.*

Proposed Ordinance 1 Conclusion

We are proposing a STR REGISTRATION ONLY Ordinance, with no cap and no licensing. With this Ordinance STR owners and other property owners can register their properties annually, without the need for a license or unnecessary violation regulations.

The fear of STR's creating a Village of non residents is ignoring the real issue of why younger families are not choosing to live in Empire. Lack of infrastructure to support families, taxes, cost of living, property market values and increased mortgage interest rates all play a part. Furthermore if STR are regulated and perhaps forced to be reduced you may have the unintended consequences of full time properties being sold because families cannot afford to live in Empire without the STR income.

If regulated what is the true cost to the Village to administer and enforce? Would this just be another Ordinance that is NOT enforced?

Is regulating STR growth in the best interest of Empire and its economy, we do not believe it is.

Respectfully submitted by

Planning Commissioners

Carey A. Ford and Robert "Bob" Chase

MINUTES

Empire Wastewater Task Force Meeting April 24th, 2024

Meeting convened at 6:00 PM, members present: Tom Rademacher, Paul Skinner, Bill Dickinson, Bruce Taggart.

Absent: John Bruder

Reviewed proposal from Wade Trim for Professional Planning and Engineering Services, Economic Impact Analysis of a Proposed Sanitary Sewer System

Task 1: Analysis of Potential Funding Alternatives. EGLE, USDA and possibly some others.

Task 2: Evaluation of Proposed Sanitary Sewer Systems. Committee will be submitting Gozling Czubic Scenario 2, Harry Luzius Scenarios C and D to the Council.

Task 3: Potential Impacts of Redevelopment/Development Sites

Task 4: Final Report.

Tom Rademacher to check on balance left from money budgeted for the study.

Next meeting, tentatively scheduled for Wednesday, May 22nd, 6:00 PM, at the Town Hall.

Respectfully submitted,
Tom Rademacher



Wade Trim, Inc.
10850 E. Traverse Highway, Suite 2260 • Traverse City, MI 49684
231.947.7400 • www.wadetrim.com

May 2, 2024

Village of Empire
10088 West Front Street
P.O. Box 253
Empire, MI 49630

Attention: Paul Skinner
Chair – Wastewater Feasibility Taskforce

Re: Proposal for Professional Planning and Engineering Services
Economic Impact Analysis of a Proposed Sanitary Sewer System
Village of Empire, Leelanau County, Michigan

Dear Paul:

We are pleased to submit this professional services proposal to the Village of Empire to support its efforts to analyze the potential economic impacts related to the installation of a proposed sanitary sewer system within the Village. This proposal is based upon our understanding of the scope of work, which was developed through discussions and email and voicemail correspondence between yourself, representing the Village of Empire Wastewater Feasibility Taskforce, and Arthur F. Mullen, AICP.

PROJECT SCOPE

Wade Trim (WT) proposes the following Project Scope items:

- **Task 1: Analysis of Potential Funding Alternatives:** WT will outline various options available for local units of government to fund the development of new sanitary sewer systems. Special attention will be given to the development of smaller systems that would be comparable in size and number of users with the Village.
- **Task 2: Evaluation of Proposed Sanitary Sewer Systems:** WT will evaluate three sewer system development scenarios as described in the 2017 Gosling Czubak Preliminary Engineering Report titled Wastewater Feasibility Study, Village of Empire, dated October 10, 2017 and the Chamber of Commerce's Village of Empire Feasibility Study for the Community Sanitary Sewer Collection and Treatment System by H. Luzius Engineering, LLC, dated November 16, 2023. WT will assess three of the proposed solutions: 1) Scenario 2 of the Gosling Czubak proposal, and Scenarios C and D of the Luzius proposal. We would analyze each of the three scenarios and confirm their cost estimates including providing the costs related to operation of the system and average annual costs per commercial/industrial and residential user. The affordability index for residential sewer service customers (cost of annual sewer service at or below two percent of the Village's median household income is deemed affordable) will be calculated for each of the three systems.
- **Task 3: Potential Impacts of Redevelopment/Development Sites:** WT will analyze three potential redevelopment/development sites selected by the Village and evaluate the impact of the installation of sanitary sewer at those locations. These three locations are:
 - 1) 10017 W. Front Street (former Empire School)

- 2) 11712-11738 S. Lake Street (former lumber mill/hardware store)
- 3) Parcel 041-824-015-30 (workforce housing site).

We will analyze these sites with the following scenarios: 1) a single development scenario based upon adaptive reuse of the former school; 2) two development scenarios for the former lumber mill/hardware site of differing uses and densities; and 3) a single moderate density workforce housing scenario for the third site. Potential number of permanent jobs, tax revenue, and overall economic impact of each of the four scenarios upon the Village will be estimated.

- **Task 4: Final Report:** WT will prepare a final written report summarizing the analysis and conclusions from Task 1 through 3 and will deliver the report to the Village of Empire Wastewater Feasibility Taskforce. Final deliverables will include an electronic copy (Adobe PDF format) of the final Economic Impact Analysis report and all applicable support materials developed during Tasks 1-3.

For this project, we will require the Village of Empire to provide to Wade Trim a property ownership layer in Geographic Information Systems (GIS) format and the Village's most recent assessing roll in spreadsheet format (Microsoft Excel compatible).

FEES

We propose to complete the above-described scope of work for a **Lump Sum Fee of \$12,000**. This fee is broken down by task in the table below. Please note, we have included the cost for two additional tasks for the Village's consideration. In-person meetings with the Village will be billed at a flat rate of \$500 per meeting.

Task	Description	Lump Sum Amount*
EMPIRE SANITARY SYSTEM ECONOMIC ANALYSIS		
1.0	Analysis of Potential Funding Alternatives	\$2,000
2.0	Evaluation of Proposed Sanitary Sewer Systems	\$5,500
3.0	Potential Impacts of Redevelopment/Development Sites	\$4,000
4.0	Final Report	\$500
Total Fee		\$12,000

Task	Description	Lump Sum Amount*
ADDITIONAL SERVICES		
1.0 - B	Bond Projections and Revenue Alternatives	\$2,500
2.0 - B	Public Engagement and Alternative Refinement	\$2,500
Total Fee		\$5,000

Our cost for additional effort not included in Project Scope items will be billed on a Time and Material Basis or a mutually agreed upon fee.

INVOICING PROCEDURE

All effort and cost will be invoiced monthly for our effort to-date. Payment of invoices is expected within 30 days. Any disputes in the invoice amount will immediately be brought to the attention of

Wade Trim. Wade Trim reserves the right to stop work when accounts receivable reach 60 days. All deliverables are the property of Wade Trim until payment obligations are met.

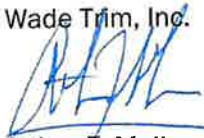
SCHEDULING

At this time, we are prepared to commence with the work upon receiving receipt of written authorization to proceed. Once authorized, project completion is expected within approximately ninety (90) days.

We look forward to working with you on this important project. If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Wade Trim, Inc.



Arthur F. Mullen, AICP
Professional Planner/Project Manager



Brian C. Sousa, PE
Area Lead

AFM:BCS:lkf
AAA 8140-24
20240502_Skinner-Ltr.docx

April 23, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The Regular meeting was called to order at the Empire Township Hall and the Pledge of Allegiance was led by Palmer at 7:01 p.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, Walton, and Webb were present. Clerk Smith was also present.

CHANGES/ADDITIONS TO AGENDA – None.

ADOPTION OF AGENDA - Motion by Bacon, support by Rademacher to approve the agenda. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

PUBLIC COMMENTS ON AGENDA ITEMS – None.

CONSENT AGENDA – Motion by Bacon, support by Rademacher to approve the Consent Agenda including minutes of the 4/11/2024 Work Session, Purchase of DPW Shirts, Galerucella Beetle order for Purple Loosestrife, and Garlic Mustard Bin. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.** Bacon requested the Legal Bills be pulled and several questions were addressed regarding where the costs were distributed and whether there may be a further need for legal review of the recent property purchase. Motion by Dye, support by Walton to approve the Bills totaling \$36,337.88. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

FINANCIAL REPORTS – March Cash by Fund reports from the Clerk and Treasurer were received. Totals from each indicate that the general ledger and the bank statements agree.

COMMUNICATIONS – A letter from Rodney Barnes regarding the ABCD group was received. Letters from Louise Barnes, Linda Payment, regarding Short-Term Rentals were also received. All are posted on the website.

DEPARTMENT HEAD REPORTS – The report from the DPW was reviewed and included in packet. Bacon asked if Friend could provide an explanation of the importance of double-walled tanks, why the reduced costs from vendors, estimated costs for electrical hook-up of tanks, and which vehicles use which gas. Dye reported the boat ramp has been installed and Palmer reported that a bear has been trapped near the village and two traps remain.

COUNCIL MEMBER / COMMITTEE REPORTS – Dye reported on the STR committee and Walton reported on the Personnel Committee.

OLD BUSINESS

NEW VILLAGE OFFICE UPDATE – Palmer reported on the closing, that she has contacted 3 plumbers and 3 roofers, and that the survey has yet to be invoiced (approximately \$1200-1400). Village Office committee discussed a sign for the office that would be similar to the one at Shalda Park.

NEW BUSINESS

ZONING ORDINANCE AMENDMENT TO LIGHT INDUSTRIAL DISTRICT – Peter Schous reviewed the request from the property owner attorney and the review by the Village Attorney. There was discussion of the Planning Commission's rejection of the Village Attorney's opinion.

Schous indicated that the Planning Commission was hoping for a legal review for enforcement and felt the opinion took more of a planning approach. Special Use Permits and Site Plan review in the future were also discussed. **Motion by Bacon, support by Rademacher to approve the amendment to the Zoning Ordinance 4.6. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

BEACH AND FRONT STREET STRIPING - The quote was reviewed by Bacon. **Motion by Bacon, support by Rademacher to approve the quote from Grand Traverse Sealcoating & Striping not to exceed \$5,700. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, and Webb. Nays: None. MOTION PASSED.**

VILLAGE COUNCIL COMPUTER PURCHASE – Palmer reviewed the idea of a laptop for the council to share. Chase offered a donated laptop. There was discussion of how the goals of conducting all village business conducted on village equipment; and building capacity. A variety of technology needs and having a plan were discussed. Walton moved that the issue be tabled until further information is obtained.

2024 CHAMBER OF COMMERCE ROAD CLOSURE REQUEST – **Motion by Bacon, support by Dye to approve the closure of Front St. request from Union to LaRue only on noon Friday, May 31st thru noon Sunday, June 2nd for the Asparagus Festival; closure of Wilco/Lake St. from Washington to Village limit 10 am thru 4 pm Friday, Sept. 20th and closure of Front St. Union to LaRue from 8 am until 6 pm on Saturday, Sept. 21st and closure of Lake St./Wilco from the junction of Pitch Apple Lane and the Village limit from 8 am to 6 pm on Saturday, Sept. 21st for the Empire Hill Climb; and closure of Front St. from Union to LaRue from noon Friday Oct.4th until noon Sunday Oct. 6th for the Empire Hops Festival.** It was noted that this is the same date as a planned marathon and that completed permit applications have not been received for any of the above events. The fee has been paid for the Asparagus Festival. **Upon a voice vote, MOTION PASSED with Chase and Rademacher voting Nay.**

STORMWATER RUN-OFF AT LAKE AND NIAGARA PROPOSALS – Bacon reviewed the proposals for drainage remediation. She recommends placing the decision on hold until the property owners have had their questions addressed.

SIDEWALK QUOTES - **Motion by Dye, support by Rademacher to approve the quote from TD Masonry and Concrete not to exceed \$20K and to haul the old concrete. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

PUBLIC COMMENT – Jun Heider commented on assessing technology needs beginning with why computers are needed.

COUNCIL MEMBER COMMENT – Chase requested that Paul Skinner contact the Lion's Club as the Lion's Club Park is used for parking for the marathon and the Hops Festival. She is concerned about the overlap and traffic/parking issues.

ADJOURNMENT at 8:10 p.m.

Derith Smith Empire Village Clerk

These are draft minutes for approval at the May 9, 2024, Council meeting.

Meeting: May 9, 2024 – Work Session Meeting

Subject: Rules of Procedure Review

Author: Sue Palmer

Overview:

A continuation of the Rules of Procedure Review. Start at 11.5 Citizens Task Force through the end of the document.

Action Requested

Finalize the review process and move to our 05.23.2024 Regular Meeting for approval to send them to our attorney for approval. The complete updated Rules of Procedure will be in our meeting packet for the Regular meeting.

5/9/2024
WS

Village of Empire – Rules of Procedure

11.5 Citizens Task Forces

Citizen Task Forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution. Members of a Task Force will be appointed by the President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

Maggie -

11.5 Citizen Task Force

A citizen task force brings together people from the community who have broad range of interests and viewpoints to gather input from the larger community on a specific topic or issue that has been defined by the Village Council. A Citizen Task Force will provide a written report/summary of findings making recommendations, providing information or advice on a specific issue. The Task Force is short-term duration, and the final report/summary of findings shall contain a recommendation for the dissolution of the Task Force once their designated task is complete.

Members of a Task Force will be appointed by the President subject to the approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

Maggie -

NEW 11.6 Citizen Committee - (This is not well thought out – but this would apply to our Beautification Committee and possibly ABCD group?) NEW

A Citizen Committee may be established by the Village Council to support the Village Council:

- in completing certain tasks,
- to obtain advice,
- make recommendations on issues of policy, and
- to assist the Village Council with obtaining public input on a wide variety of issues.

Committees composed wholly of Village employees and/or Village Council members are not to be included in this definition. A Citizen Committee is not required to have a sunset date and may define their own operating principles.

2. Authorization for Contacting Village Professional Service Providers

Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff and other contracted and professional services. In addition, a report including any charges for services rendered shall be provided to the Council either via Village email or at the next Village Council meeting.

All responses from the Village Attorney on issues of law or procedure shall be in writing and provided to the Village Council and the Village Office for filing.

The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.

All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. All electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.

Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.

From Maggie - 5/2/2024

Except as provided in Sections 1-3 below, no member of the Council is authorized, on behalf of the Village, to contact professional services providers without the consent, by motion, of the Village Council if such contact is likely to result in a charge to the Village.

Contact with the Village Attorney

1. Unless there is an immediate (emergency need) no Council member shall contact the Village Attorney on issues of law or procedure without Council approval. The Council by majority vote may move to authorize a council member to contact the Village Attorney. This will ensure the Council is aware of and has authorized the expenditure of funds.
 - a. Authorization to contact the Village Attorney or any other professional is a Council function. The President does not have the authority to provide such approval for any other members of Council.
2. All questions submitted to the Village Attorney shall be in writing and reflect the agreed upon language approved by the Council. Phone calls shall not be an acceptable means of communicating with the Village Attorney.
3. All responses from the Village Attorney shall be in writing and provided to the requestor with a copy sent to the Village Office (as a public record). This information shall be provided to the Village Attorney for compliance.

Section 1: This restriction does not apply to the Village Office or DPW staff in fulfilling their day-to-day operational responsibilities.

Section 2: Except for the Village Attorney, the Street Administrator shall be authorized to contact professional service providers in fulfilling their statutory duties without the prior approval of the Council. No contact shall be allowed if it comes at a cost to the Village without prior approval.

Section 3: The Chair of the Water Committee shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of the Council. No contact shall be allowed if it comes at a cost to the Village without prior approval.

All Council Members who have been authorized to contact a professional service provider for which there will be a cost, shall provide a written report to the Village Council and the Village Office on the

discussion including any request for additional information or action needed to move forward. All electronic or written documentation related to those discussions – including bids, quotes, or authorizations – will be provided to the Village Office. All documents and notes are a public record and are subject to FOIA.

Authorization for payment to professional service providers - including the Village Attorney -shall not be approved unless procedures outlined in this section are followed.

References:

The Village of Benzonia has a similar section in their rules of procedure should you have questions about the validity of these changes.

12. Authorization for Contacting Village Professional Service Providers

12.1 Contact with the Village Attorney

- (a) Contact with the Village Attorney, on Village matters, shall be limited to the Village President, their designee, or Village Staff (in consultation with the President or the Council).
- (b) Unless there is an immediate need, neither the President, their designee, nor Village Staff shall contact the Attorney on issues of law or procedure without Council approval. This will ensure the Council is aware of and has authorized the expenditure of funds.
- (c) All questions submitted to the Village Attorney shall be in writing or, if initiated via phone, questions will be promptly documented and provided to the Village Office and to the Village Council as a public record.
- (d) All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.
- (e) The Village Office or Village President may contact the Village Attorney on administrative issues not resulting in an expenditure of funds.

12.2 Contact with other Professional Service Providers

- (a) The Street Administrator, the DPW Supervisor, the Village Office and the President shall be authorized to contact professional service providers in full- filling their statutory duties without the prior approval of Council.
- (b) The Chair of the Water Committee - only in the case of a water related emergency - shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of council.
- (c) All Council members who have been authorized to contact a professional service provider will provide a written report to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions - including bids, quotes or authorizations - will be made available to the Village Office and Council.

12.3 Authorization for Payment

Authorization for payment to professional service providers shall not be approved unless procedures outlined in this section are followed.

3. Amendment of Council Rules of Procedure

These rules were adopted by resolution of the Village Council pursuant to the authority of the General Law Village Act. None of these rules may supersede the General Law Village Act or the laws of the State of Michigan. The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

Adopted: November 20, 2001

Last Amended: June 22, 2021

Date: 5/2/2014	
For Meeting: May Worksession 5/9/2024	
Issue: ROP Contact with Professional Services	Author: Maggie Bacon

Overview:

The current version issues:

A. Paragraph 1 is inconsistent with paragraph 3. Paragraph 1 says “only the President”, but paragraph 3 provides for others to make those contacts under specific circumstances.

B. We cannot mean that the DPW or the Village Office is not allowed to contact a provider – to get a quote? To request a consult on the copier or computer equipment? to ask about a bill? This seems to be overstepping our role as legislators and policy makers and bleeding into operations.

C. The statutory duty of the Street Administrator is to “perform or cause to be performed” labor, repairs, and improvements... Does the Council accept the contacting of vendors or professional service providers are a part of performing those duties? The way this reads now, the Street Administrator “does” but is not allowed to plan to do.

D. No Council member (President or Trustee) has the authority to expend dollars without prior approval. Period. The way this is written is the President has carte blanche with no accountability to the Council or to the residents of the Village “the appropriation of money requires the majority vote of the Council and must be recorded in the minutes”. (GLVA 65.5)

Recommended Changes

Except as provided in Sections 1-3 below, no member of the Council is authorized, on behalf of the Village, to contact professional services providers without the consent, by motion, of the Village Council if such contact is likely to result in a charge to the Village.

Contact with the Village Attorney

1. Unless there is an immediate (emergency need) no Council member shall contact the Village Attorney on issues of law or procedure without Council approval. The Council by majority vote may move to authorize a council member to contact the Village Attorney. This will ensure the Council is aware of and has authorized the expenditure of funds.
 - a. Authorization to contact the Village Attorney or any other professional is a Council function. The President does not have the authority to provide such approval for any other members of Council.

2. All questions submitted to the Village Attorney shall be in writing and reflect the agreed upon language approved by the Council. Phone calls shall not be an acceptable means of communicating with the Village Attorney.

3. All responses from the Village Attorney shall be in writing and provided to the requestor with a copy sent to the Village Office (as a public record). This information shall be provided to the Village Attorney for compliance.

Section 1: This restriction does not apply to the Village Office or DPW staff in fulfilling their day-to-day operational responsibilities.

Section 2: Except for the Village Attorney, the Street Administrator shall be authorized to contact professional service providers in fulfilling their statutory duties without the prior approval of the Council. No contact shall be allowed if it comes at a cost to the Village without prior approval.

Section 3: The Chair of the Water Committee shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of the Council. No contact shall be allowed if it comes at a cost to the Village without prior approval.

All Council Members who have been authorized to contact a professional service provider for which there will be a cost, shall provide a written report to the Village Council and the Village Office on the discussion including any request for additional information or action needed to move forward. All electronic or written documentation related to those discussions – including bids, quotes, or authorizations – will be provided to the Village Office. All documents and notes are a public record and are subject to FOIA.

Authorization for payment to professional service providers - including the Village Attorney - shall not be approved unless procedures outlined in this section are followed.

References:

The Village of Benzonia has a similar section in their rules of procedure should you have questions about the validity of these changes.

Meeting:	May 9, 2024 – Work Session Meeting
Subject:	Non-Profit Special Event Fee Waiver Application
Author:	Sue Palmer

Overview:

The Mass Gathering Ordinance is set for a public hearing prior to our meeting on May 23, 2024. The ordinance was amended to include a waiver in section 3.3 Application Fee. This item is added to the packet for review of a Non-Profit Special Event Fee Waiver Application document. Based on the one provided from our attorney, I have created an Empire specific document. For your review.

3.3 Application Fee.

Each application for a mass gathering permit shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village Fee Schedule. Applicants who are non-profit entities with 501(c)(3) tax exempt status may request waiver of the event fee by submitting a Non-Profit Mass Gathering Fee Waiver Application along with the required Mass Gathering Application.

From Mr. Figura's Opinion
"Fee Waiver"

In addition to review of the ordinance, you have asked me to consider a fair and equitable fee waiver procedure for community organizations. Michigan municipalities have the power to expend funds only for a public purpose.

The following questions may be helpful in determining whether an expenditure is appropriate:

1. Is the purpose specifically granted by the Michigan Constitution, by statute, or by court decision?
2. Is the expenditure for a public purpose?
3. Is the municipality contracting for services that the municipality is legally authorized to provide?
4. Is the operation or service under the direct control of the municipality?

These criteria can be difficult to meet under these circumstances. For example, the Village would not consider themselves to be in "direct control" of the Asparagus Fest since it is organized and operated by a district entity. The safest route is to require all applicants to pay the fee for events, thereby avoiding any appearance of an invalid expenditure.

If you do wish to waive the fee for certain groups, your best bet is to require criteria that will ensure that the event generally benefits the public benefitting a private purpose without receiving commensurate value in return. By requiring 501(c)(3) status and certain other criteria as included on

the attached example waiver application, the Village can better ensure that the waiver is being applied towards a public purpose and that the village is receiving commensurate value. “

Action Requested

Request council consensus from the council to add the Non-Profit Special Event Fee Waiver Application to the Public Hearing along with the Ordinance.



City of South Haven
Department of Public Works/Parks Department

NON-PROFIT SPECIAL EVENT FEE WAIVER APPLICATION

1199 8th Avenue • South Haven, MI 49090 • 269.637.0737 • Fax: 269.637.4778

This form must be submitted with the application for the corresponding event, following the deadlines for application submission. Failure to include this form at the time of application submission will result in applicable event fees being charged to the event coordinator.

Requested Event Date: 1st choice **: _____

2nd Choice ** (Required): _____

****Date choice is not guaranteed until final calendar has been determined by City staff.**

ORGANIZATION'S INFORMATION

EVENT TITLE: _____

Applicant Name: _____

Organization Name: _____

Non-Profit I.D. or Tax Exempt #: _____

Address: _____

City State Zip

Phone: () Cell: ()

Email Address: _____ Fax: ()

EVENT INFORMATION

Event Type (please select all that apply):

<input type="checkbox"/> Race (run, walk, bike, etc.)	<input type="checkbox"/> Tournament Type: _____
<input type="checkbox"/> Parade	<input type="checkbox"/> Pass-Through
<input type="checkbox"/> Street Fair/Festival	<input type="checkbox"/> Fundraiser Benefitting: _____
<input type="checkbox"/> Concert	<input type="checkbox"/> Other _____

Event Location: _____

Why are you requesting to waive the Special Event Fee?

Please identify the hardship incurred *(please attach additional pages, if necessary)*:

Please identify how your organization benefits the City of South Haven as outlined in the criteria below.
Please be specific *(attach additional pages, if necessary)*:

CRITERIA CONSIDERED

The City will consider the following when reviewing a special event fee waiver request:

- Raises funds to supplement City budgeted services.
- Raises funds for programs normally funded by the City.
- Raises funds for Non-Profit groups, which have contributed substantially to the community.
- Nationally or State affiliated program which provides programs for local youth.
- Raises funds for elderly citizens or youth organizations.

Event Representative (signature)

Date

Special Event Coordinator

Date

Village of Empire Non-Profit Mass Gathering Fee Waiver

This form must be submitted with the application for the corresponding event, following the deadlines for application submission. Failure to include this form at the time of application submission will result in applicable event fees being charge to the event coordinator.

Requested Event Date: 1st choice^{**}: _____

Requested Event Date: 2nd choice (Required)^{**}: _____

^{**}Date choice is not guaranteed until final calendar has been determined by the Zoning Administrator

Organization's Information	
Event Title:	_____
Applicant Name:	_____
Applicant Name:	_____
Non-Profit I.D. or Tax Exempt #:	_____
Address:	_____
City:	_____ State _____ Zip _____
Phone: () _____	Cell Phone: () _____
Email Address:	_____ Fax Number: () _____

Event Information	
Event Type (please select all that apply):	
<input type="checkbox"/> Race (run, walk, bike, etc.)	<input type="checkbox"/> Tournament - Type: _____
<input type="checkbox"/> Parade	<input type="checkbox"/> Pass-through
<input type="checkbox"/> Street Fair/Festival	<input type="checkbox"/> Fundraiser - Benefitting: _____
<input type="checkbox"/> Concert	<input type="checkbox"/> Other _____
Event Location: _____	

Why are you requesting to waive the Application Fee?

Please identify the hardship incurred (please attach additional pages, if necessary):

Please identify how your organization benefits the Village of Empire as outlined in the criteria below. Please be specific (attach additional pages, if necessary):

CRITERIA CONSIDERED

The Village of Empire will consider the following when reviewing a special event fee waiver request:

- *
- *
- *

Event Representative (signature)

Special Event Coordinator

Date: 5/2/2014	
For Meeting: May Work Session 5/9/2024	
Issue: Renovare Feasibility Study Update	Author: New Office Committee

Overview:

In the Fall of 2023, the Village Council entered into a contract with Renovare to provide consulting services for creating three conceptual site plans in the Village for a new Village office. As a part of that process, Renovare met with key stakeholders as part of a data gathering for space needs and potential community uses in December. All of this was in recognition that without plans, community, and business buy-in, obtaining grant funding would be limited. What we have learned in the last few years of dipping our toes into grant funding is that we must have initial plans in place - even if they might not see the light of day for years. We also need to know who potential partners would be in seeking grant dollars.

As we completed the purchase of the Field Trip building, Council members have been approached by the community expressing concern about any need to continue with that contract.

Recommendations:

The new office committee met in late April and discussed the following:

1. We need complete “redesign options” of the DPW garage and make recommendations about moving forward with additional work.
2. We have met with Renovare to share the concerns of the community and to discuss if there was a viable change in scope that makes sense for our community.

Renovare has completed the following steps from the original scope of work:

1. Data Gathering - (Completed December 2023)
 - Gather additional data on space needs, potential community uses
 - Convene key stakeholders to gather additional data
2. Site Visit and Interviews (Completed December 2023 thru March 2023)
 - Review existing property data for three sites to understand development obstacles and constraints and possible site designs
 - Gather any historical data readily available for each site
 - Explore opportunities for discreet acquisition
 - Interview key staff and stakeholders as directed
3. They are completing the conceptual site plans for DPW building and offering the inspiration for what may be possible for “economic development” at the Field Trip building.
4. They did not complete any of the “additional interviews” that was part of an original plan.

The New Office Committee recommends the use of Renovare to complete the following:

1. Conceptual Site Plans
 - A. Develop conceptual site plans for 2 sites that meet the requirements identified through the data gathering and community engagement sessions.
 - Site Areas are: Hardware Store and Schoolhouse
2. Provide an information session to the Village Council, Planning Commission and the public about opportunities and tools that can be employed for economic development as well as for redevelopment readiness. The purpose of this session is to educate participants about the appropriate role government can play in revitalization of areas and to discuss tools that the Village government may be able to leverage with potential developers/investors.
3. Community Engagement
 - a. Hold public sessions to gather community input and key stakeholder input of spatial design for the 2 sites identified above.
 - b. Meet with Owners of the Hardware Store and the schoolhouse to evaluate potential redevelopment tools. This will be based on highest and best use, market data and site constraints
4. Present Options
 - a. Present two conceptual site plans to the Village of Empire for review
 - b. Presentation will include two separate conceptual site plans with preliminary floor plans for each building
 - c. Presentations on the schoolhouse and the hardware store will include site-specific redevelopment tools that can be used to develop the desired products
5. Provide financial modeling
 - a. Provide independent plan review and/or financial modeling in support of prospective developments, establishing the groundwork for successful development incentive requests.
6. Connect with state agencies on potential funding sources.



VILLAGE COUNCIL MEETING DOCUMENTATION

Prepared:	May 2 ,2024	
Meeting Date:	May 9, 2024	Work Session
Subject:	Short-Term Rental Ordinance	Author: Dye/STR Committee

Overview:

The Short-Term Rental Special Committee has completed their task of creating a STR Registration and Ordinance. The members of the committee are Carey Ford and Bob Chase from the Planning Commission and March Dye and Meg Walton from the Village Council.

On November 9, 2023 the Village Council established a special committee to “draft a registration ordinance and any other forms that may be necessary to implement a STR Ordinance.” (The comma was left out between registration and ordinance in the minutes).

On December 14, 2023 a motion was made and passed to “appoint Carey Ford and Bob Chase to the Special Committee created to draft a registration, an ordinance and any other forms that may be necessary to implement a STR Ordinance.”

Two different approaches will be presented.

The first is a Short-Term Rental Registration Ordinance with a Registration Form and Good Neighbor Guide.

The second is a Short-Term Rental Ordinance with a Registration Form and Good Neighbor Guide.

The difference between the two is that the first is an Ordinance for Registering STRs and gathering information on STRs in the Village.

The second is for Registering, Licensing and Regulating STR in the Village.

Recommendation:

Review and discuss both Proposed Ordinances.

Send Ordinances to legal review for impact and implications to the Village.

The committee recommends the establishment of two public forums to be moderated by an independent facilitator to be held at two separate times.

Should be approved and implemented before October 31, 2024.



GOOD NEIGHBOR GUIDE

A GUIDE FOR SHORT TERM RENTERS

Welcome to the Village of Empire



Village of Empire : 11537 S. Leelanau Hwy., PO Box 253 :
 Empire, MI 49630 231-326-5466

We hope you enjoy our lovely and friendly Up-North community! Empire offers a spectacular beach, unique shops, wonderful restaurants and sandwich shops, and many opportunities for sightseeing, biking, hiking, water activities and visits to Sleeping Bear Dunes National Lakeshore. During your visit, please remember that the vacation rental you are staying in is within a residential neighborhood. To help ensure our residents' peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide". Please respect our residents and our Village by following these guidelines.

Noise , Disturbances, Fires & Fireworks

Keep noise to a level that is considerate of neighbors. Fires and fireworks are regulated in Empire.

Parking

Please use your rental's off street parking spaces before parking in the street. Note that on street parking is not allowed between October 15 and April 15 between 3am and 8am.

Garbage

Garbage in public view must be in proper containers. The trash collection day for the property is **Tuesday morning**. Totes should be taken in from curb after trash has been picked up.

Recycling

The Village maintains recycling collection bins on Fisher Street by Shalda Park.

Pets

Please keep all pets on leashes whenever they are in an unenclosed area, including parks, the beach and on public streets.

Beach

Please enjoy our beautiful beaches and remove any trash you accumulate during your visit. Trash receptacles are located at the beach. Doggie bags are provided for use in disposal of your pet's waste.

Public Restrooms

Public restrooms are available at the Lake Michigan Beach and Shalda Park. A porta-pottie is available downtown.

Occupancy

The Occupancy limit for this property is:

Vacation Rental Address _____

Local 24-hour Contact Person _____

Contact Phone _____

Visit leelanau.gov Village of Empire for information on local ordinances.
 Police, Fire or Medical Emergencies - 911
 Non- Emergency - Leelanau County Sheriff (231) 256-8800



INSTRUCTIONS FOR APPLYING FOR A SHORT-TERM RENTAL LICENSE

PURSUANT TO VILLAGE OF EMPIRE ORDINANCE — OF 2024

On August —, 2024 the Village of Empire Council approved Ordinance — —, the Village of Empire Short-Term Rental Ordinance. Starting on **January 1, 2025**, anyone operating a Short-Term Rental in the Village of Empire must have a Short-Term Rental License.

◆ Initial Registration Process (for 2025)

1. Registrations for Short-Term Rental Licenses for the calendar year 2025 will be accepted by the Village of Empire starting on **Wednesday, month/day/2024 at 10:00am at the Empire Village Office, 15537 S. Leelanau Hwy., PO Box 253, Empire, Mi 49630.**

2. Registrations will be date stamped and numbered upon receipt.

3. Any registrations received in the mail prior to 10:00am of (above date) will be stamped and numbered at 4:00pm. on (above date).

4. Submitted registrations will be reviewed for completeness, including the registration fee of \$25 and required information. Incomplete registrations will be set-aside and will lose their place in the queue. Registrants will be notified by email within 3 business days from (above date) of an incomplete registration.

5. Completed registrations will be reviewed for issuance of the license. Once the Registrant is notified of approval for the License they will have 15 days to submit the License fee (\$200). After receipt of the fee, an issued license will be sent to the Owner (registrant) via email and first-class mail.

6. Registrants showing proof of having operated a STR (a notarized statement) between 2022 and August of 2024 will be guaranteed a license upon receipt of a completed Registration, payment of the Registration and payment of the License Fee.

7. If the number of submitted applications exceeds the number of allowable licenses specified by the Village Council a waiting list will be established. If a Registrant on the waiting list is notified of an opening, they will have 15 days to submit the License Fee.

8. Registrations will be accepted at any time during the year after the initial registration process.

◆ Renewal Registration Process for Subsequent Calendar Years:

1. All Short-Term Rental Licenses shall expire on December 31 or upon the sale or transfer of a licensed property.

a. In the case of the sale/transfer of a property in a year when there are bookings already made, the license may be extended to take in those bookings if requested by buyer. The new owner will have to register for a new license for any future use as a STR.

2. Existing License holders may re-apply for the next calendar year at any point between October 1 and November 30. All licenses, if eligible, will be issued by December 31 when re-applied for by November 30.

3. Any License holder who does not submit a renewal registration by November 30 will be required to file a new registration and will be placed on the Waiting List should licenses not be available.

4. If, on December 1, there are fewer licenses issued than the Cap, and there is a waiting list, the Zoning Administrator or designee shall issue licenses to the next qualifying registrants.

- ◆ New registration will be accepted at any time.
- ◆ Licenses run from January 1 to December 31
- ◆ The License Registration form can be found on the Village Web Site.

ITEMS REQUIRED FOR SUBMITTAL OF A STR REGISTRATION

- ◆ A fully filled out and signed Registration form.
- ◆ A notarized statement of having had an operating STR at sometime between 2022 and August 2024 if applicable (or a notarized registration form).
- ◆ Registration Fee of \$25 payable to the Village of Empire.

The Maximum number of Short-Term Rentals (Cap) allowed in the Village of Empire is 12% of the housing stock determined by the Township Tax Assessor. If more than 12% of licenses are issued in the first year no new licenses will be issued until this number is reached.

PARCEL #
041- - -



Registration #: _____

License #: _____

VILLAGE OF EMPIRE SHORT TERM RENTAL REGISTRATION FORM

Property Name / DBA: _____

Property Address: _____

Owner Name: _____

Owner Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

- Local 24-hour contact person (owner or agent)
- 1. Authorized by the Owner to take all remedial action
 - 2. Available to respond to issues at the property

Name: _____ Phone: _____

Maximum Occupancy: _____ (Does not include children under the age of 4)

Previously Used as a Short Term Rental at Sometime between 2022 and August 2024 :
Yes _____ No _____ (Notarization Required)

Registration Fee Non-Refundable: \$25

Owner Certification:

- By signing this Registration, I certify that:
- 1. I have read the Village of Empire Short-Term Rental Ordinance and understand the requirements, standards of approval, violations and penalties contained in the Ordinance; and,
 - 2. This STR has bedrooms/sleeping areas to justify the stated maximum occupancy; and,
 - 3. This STR satisfies the Health, Fire and Safety section of the Ordinance; and,

4. I will provide the Good Neighbor Guide to occupants; and,
5. The information contained on this Registration Form and any Submittals is true to the best of my knowledge. I understand that submittal of false information on this Registration Form is a violation of the Ordinance.
6. I will notify the Village of Empire within thirty (30) days if there are any changes to information on this Registration Form; and,
7. Registration and Licensing of a STR in no way indicates any responsibility by or liability of the Village for the Owner's operation of a STR in the Village.

Print Name of Property Owner

Signature of Property Owner

Date: _____

NOTARY PUBLIC: [NOTARY SEAL:]

 Signature of Notary

 Printed Name of Notary

My commission expires: _____
 Month/Day/Year

-----**FOR OFFICE USE ONLY**-----

DATE REC'D _____ APPLICATION FEE PAID _____

DATE APPLICANT NOTIFIED OF APPROVED FOR LICENSE: _____

DATE LICENSE FEE PAID: _____

LICENSE NUMBER _____ DATE ISSUED: _____

APPROVED BY: _____

PROP #
041- _____ - _____ - _____



Registration for Rental Year:

VILLAGE OF EMPIRE SHORT TERM RENTAL REGISTRATION FORM

Property Name: _____

Property Address: _____

Owner Name: _____

Owner Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Local contact person

1. Authorized by the Owner to take all remedial action
2. Available to respond to issues at the property

Name: _____ Phone: _____

Maximum Occupancy (set by Owner): _____

Previously Used as a STR: YES NO

Number of STRs at property address: _____

Available Off-street parking: YES NO

Available Sealed trash disposal container: YES NO

By signing this Registration, I acknowledge that:

1. I have the Village of Empire Short-Term Rental Ordinance; and
2. I am responsible for all local, county, and state codes for health and safety; and
3. I will provide the Good Neighbor Policy to occupants; and
4. The information contained on this Registration is true to the best of my knowledge. I understand that submittal of false information on this Registration is a violation of the Ordinance; and
5. I will notify the Village of Empire within thirty (30) days if there are any changes to information on this Registration; and
6. Registration of a STR in no way indicates any responsibility by or liability of the Village for the Owner's operation of a STR in the Village.

_____ **Print Name of Property Owner**

_____ **Signature of Property Owner**

Date: _____

_____ **FOR OFFICE USE ONLY** _____

DATE REC'D _____ FEE PAID: YES NO

RECEIVED BY: _____



**VILLAGE OF EMPIRE
SHORT-TERM RENTAL REGISTRATION ORDINANCE
Ordinance No.**

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND TO OBTAIN INFORMATION RELATING TO SHORT-TERM RENTALS WITHIN THE VILLAGE OF EMPIRE.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1: PURPOSE

The Village of Empire Council finds and declares as follows:

- A. Short-Term Rentals are allowed in whatever districts may allow Single-Family, Two-Family, or Multiple-Family dwellings (by reason of such being dwelling units accommodating one, two, and multiple families, respectively, either permanently or transiently).
- B. The Village has enacted this Ordinance to Register Short-term Rentals and to gather accurate data that may be used to determine if further regulation is needed and appropriate.

SECTION 2: DEFINITIONS

As used in this Ordinance:

Agent: A person, firm or agency authorized to represent the Owner of Prop # on which a Short-term Rental (STR) is located in the Village of Empire (Village).

Bed and Breakfast Establishments: Any Owner occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Cap: A limit that may be imposed on how many STR Dwelling Units may be located in all or portions of the Village.

Dwelling Unit: A building or portion of a building, either site-built or manufactured off site and placed on site which contains sleeping, living, cooking, indoor sanitary facilities meeting health department rules and located under one roof, and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Accessory: A dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Fee: The cost to register a STR as established in this ordinance or amended by the Village Council, by Resolution.

Good Neighbor Guide: A document containing guidelines developed by the Village to provide information to STR occupants as to neighborly conduct expected of those transiently staying in the Village, consistent with what is generally expected of all residents.

Local Contact Person - A local Owner or Agent of the Owner who is available and authorized to respond to occupant, Village, or neighborhood questions or concerns and take remedial action, if necessary.

Hotel, Motel or Inn: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which there are more than five (5) sleeping rooms.

Occupant - An individual transiently residing as a tenant in a STR.

Owner - The legal or equitable title holder of the Prop # (or portion thereof) on which a STR is located.

Property Number (Prop #): As found in the Property Information section of the Village Tax bill.

Short-Term Rental (STR)- A Dwelling Unit or Accessory Dwelling rented for a period of time less than thirty (30) consecutive days, other than a Bed & Breakfasts, Hotel, Motel, or Inn.

Short-Term Rental Registration - A Short-Term Rental Registration Form submitted to/filed with the Village.

Village - Shall refer specifically to the Village of Empire.

SECTION 3: APPLICABILITY

- A. STR Registration does not authorize rental lodging in a recreational vehicle, camper, or tent.
- B. This Ordinance does not affect restrictions imposed by deeds or contracts.
- C. Notwithstanding any other provision in this Ordinance, registration (or renewal of registration) does not assure continued authorization for locating a STR in the Village, if the Village adopts an Ordinance which imposes a Cap (by whatever means determined). Any such Ordinance may determine if and which existing STRs may continue to be located in the Village.
- D. This Ordinance does not apply to an Owner of a STR that will be rented for a total of fourteen (14) days or less per calendar year.

SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

A. An Owner shall not locate a STR in the Village without registering the STR with the Village Office, if the STR is rented more than fourteen (14) days per calendar year.

B. Forms for Registration of a STR will be made available through the Village Office and the Village website.

C. Registration will be valid for a period of one (1) year and expire each December 31st.

D. A STR Registration Form must be completed by or on behalf of the owner and received by the Village Office. An existing STR may continue in the Village if such a registration is received by the Village within ninety (90) days after the later of (a) the effective date of this Ordinance and (b) notice of adoption of this Ordinance is sent by mail, email, or other adequate means to all listed Owners of Property in the Village. The Registration Form shall include the following:

1. Property Name, Property Address and Property #.
2. Property Owner name, address, phone number, and email.
3. Local contact person's name and phone number.
4. Maximum Occupancy as established by the Owner and if previously used as a STR.
5. Such additional information as may be contained on the Registration Form approved by the Village Council, by Resolution.
6. Signature of Property Owner and date.

E. Year one (1) of this Ordinance will require a Registration Fee of \$25.00 to accompany the Registration Form. Registration is not complete until both the Registration Form and required Fee are received by the Village Office. The Village Council may, by Resolution, change the Fee for STR Registration and post that change on the Village Website, Fee Schedule.

F. The Village will not deny a renewal of an existing STR Registration if the completed renewal Registration Form and Fee are received by the Village on or before the expiration date of the current registration and there are no unresolved violations.

G. The STR Registration shall only apply to the Prop # listed on the completed Registration Form. In the case of a sale or transfer of a Prop #, a new Owner desiring to continue the STR must complete a new Registration Form and pay the Fee within thirty (30) days of the property sale or Closing to continue the STR.

SECTION 5: RULES FOR OWNER OF REGISTERED STR

A. Within thirty (30) days of any change in contact information for the Owner or Local Contact Person, the Owner shall inform the Village of the new contact information.

B. The Owner shall provide renter access to the Good Neighbor Guide before the end of the first day an Occupant rents the STR.

SECTION 6: VIOLATIONS

The following will be considered a violation of this ordinance:

- A. Owner intentionally providing false or misleading material information on the STR Registration Form.

- B. An Owner locating a STR in the Village that is required to be registered, without registering the STR with the Village Office.
- C. Owner failing to comply with updating contact information or providing renter access to the Good Neighbor Guide.

SECTION 7: PENALTIES -The penalties for violations of this Ordinance are as follows:

- A. For a first violation within any calendar year, the penalty is a written notice of violation.
- B. After notice and opportunity to correct the first violation, further violations within the same calendar year shall be subject to Municipal Civil Infraction Notices, Citation, Actions, and fines as provided in the Village Ordinances 107 and 149, treating the first such further violation as the first one under such ordinance.
- C. Revocation of Registration
 - 1. After notice and opportunity to correct the second violation, for any further violation within the same calendar year with respect to a single STR unit, in addition to penalties provided above, the official designated to enforce the Ordinance may revoke the registration for that STR unit, in writing, in the absence of the Owner showing good cause for not revoking the registration. A written notice of revocation will be sent to the addresses (mail and email) of the Owner on the current Registration Form (or update). Receipt of the notice of revocation is deemed to occur by the earlier of: (a) the Owner's actual receipt of the notice or (b) five (5) days after the notice is mailed/emailed to the addresses on the most current Registration Form (or update).
 - 2. An Owner may submit a written appeal to the Village Council of a decision to revoke a registration, such appeal to be received by the Village Office with thirty (30) days of the date the written notice of revocation was mailed to the Owner. In such an appeal, the Village Council will decide the matter *de novo*, upon a vote of a majority of members of Council attending a meeting with a quorum of the Council. The appeal shall be heard at a public session of Council, at which time the Owner may be represented by an attorney under procedures adopted by Resolution of the Council.
 - 3. As of the date written notice of revocation is deemed received by the Owner, a revoked registration is of no effect as a registration, unless and until the revocation is reversed or modified on appeal.
 - 4. If registration has been revoked, the Owner may submit a new Registration Form in the following calendar year if, and only if, all violations have been resolved by cure, satisfaction, withdrawal, dismissal, or settlement.

SECTION 8: ENFORCEMENT OFFICIAL

Any person officially authorized by the Village of Empire Council is hereby designated as authorized officials empowered to issue written notice of violation and municipal civil infraction citations to alleged violators of this ordinance.

SECTION 9: ABATEMENT

In addition to enforcing this Ordinance through Section 7, the Village may initiate proceedings to abate or eliminate a violation of this Ordinance.

SECTION 10: 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 11: EFFECTIVE DATE

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
ORDINANCE NO. XX OF 2024
SHORT TERM RENTAL ORDINANCE

AN ORDINANCE PURSUANT TO PUBLIC ACT NO. 3 OF 1895, MCL 67.1 AS AMENDED, TO REGISTER, LICENSE AND REGULATE SHORT-TERM RENTALS WITHIN THE VILLAGE OF EMPIRE TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

“Agent” means person, firm or agency authorized to represent the Owner of the tax parcel on which a STR is located in the Village.

“Bedroom” means a separate room or space used or intended to be used for sleeping purposes.

“Cap” means the maximum number of Short-Term Dwelling Units allowed within the Village limits.

“Dwelling Unit” means a building or portion of a building, either site-built or manufactured off site and placed on site which contains sleeping, living, cooking, indoor sanitary facilities meeting health department rules and located under one roof, and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in parts the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

“Dwelling, Accessory” means a dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

“Good Neighbor Guide” means a document containing guidelines developed by the Village to provide information to STR occupants as to neighborly conduct expected of those transiently staying in the Village, consistent with what is generally expected of all residents.

“Local 24-Hour Contact Person” means a local Owner or Agent of the owner who is available and authorized to respond to tenant, Village and neighborhood questions or concerns and to take remedial action if necessary.

“Owner” means the legal or equitable title holder of the tax parcel on which a STR is located.

“Occupant” means an individual over the age of 4 (four)-temporarily residing in a Dwelling Unit or Accessory Dwelling Unit operating as a STR.

“Short-Term Rental (STR)” means to permit, provide for, or offer possession or occupancy of a Dwelling Unit or an Accessory Dwelling Unit for commercial use for a period of time less than thirty (30) consecutive days in exchange for consideration.

“Special Event” means a gathering that occurs and causes significant disruption to neighbors and the surrounding community.

“Parcel” means a parcel of property to which the Property Assessor has assigned a distinct ad valorem property tax identification number.

“Village” shall refer specifically to the Village of Empire.

Section 2. Applicability

A. This ordinance applies to all residential Dwelling Units and Accessory Dwelling Units in the Village and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 consecutive days.

B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, motels, hotels or resorts as defined in the Village Zoning Ordinance.

C. This ordinance does not apply to rental units wholly contained within a dwelling occupied by an on-site owner.

D. No STR may occur in the Village unless in conformity with the provisions of this 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. License Required

No owner shall permit or allow a dwelling unit or accessory dwelling unit to be used as a STR nor enter into a STR agreement within the Village without first obtaining a license from the Village pursuant to the requirements of this ordinance.

A. Duration. A short-term rental license shall be valid for the calendar year such license was obtained (January 1 until December 31).

B. Transferability. A STR license may not be transferred from one dwelling unit to another dwelling unit nor from one owner to another.

C. A Cap on the number of STRs permitted in the Village shall be set by the Village Council.

Section 4. Registration and Fee Requirements

An Owner seeking a license under this Ordinance shall submit a complete registration to the Village Zoning Administrator or his/her designee and pay such fee determined from time to time by resolution of the Village Council. The Registration shall be on a

form prepared by the Village and shall, without limitation, include all information reasonably necessary for the Zoning Administrator or their designee, to determine whether the applicable standards for approval have been met.

Section 5. Standards of Approval.

The Zoning Administrator or their designee shall approve, or approve with conditions, a registration for a STR License only upon a finding that the dwelling unit complies with all of the following applicable standards:

A. Maximum Overnight Occupancy - Maximum overnight occupancy for STR shall be up to a maximum of two (2) persons per sleeping room or bedroom , plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under four (4) years of age.

B. Per Parcel Limit on Number of Dwelling Units. Only one dwelling unit/ accessory dwelling unit shall be used as a short-term rental per parcel, except that when a parcel lawfully contains more than one dwelling unit/accessory dwelling unit, each separate dwelling unit/accessory dwelling unit may be used as short-term rental provided that each such dwelling unit/accessory dwelling unit is separately licensed under this ordinance.

C. Parking.

The owner shall minimally comply with applicable parking requirements under the Village Zoning Ordinance Section 3.16.1. Boats, recreational vehicles, trailers and similar personal property may not be parked, stored, or used in an unimproved front yard area of the licensed premises.

D. Health, Fire and Safety Codes

The licensed premises shall meet all applicable health, fire and safety codes at all times. This includes codes related to smoke alarms, carbon monoxide detectors, fire extinguishers, and egress windows. The Sanitary Waste System shall have been permitted by the Benzie-Leelanau Health Department.

E. Designated Local 24-Hour Contact Person

1. The Owner of a STR must designate a Local-24 Hour Contact Person who has access and authority to assume management of the unit and take remedial measures if necessary.

2. The Owner will provide the phone number of the Local 24-Hour Contact Person to all immediately adjacent neighbors along the subject property's boundaries. An Owner meeting the requirement may designate themselves as the Local 24-Hour Contact Person.

F. Trash. 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.

G. **No Special Events** are allowed on STR property.

H. The owner shall provide a renter access to the **Good Neighbor Guide**.

I. **Certification by Owner.** As part of the registration, the owner shall certify that the foregoing standards have been met. The Village may deny or revoke a license if the statements or representations made on the application are determined by the Zoning Administrator/ designee to be false or materially misleading. The applicant may appeal the Village Zoning Administrator's decision to the Village Council.

Section 6. Violations

A. Violations as Municipal Civil Infractions. Any person who violates any provision of this Ordinance shall be responsible for a Class C municipal civil infraction. Each day that a violation occurs constitutes a separate offense.

B. For a first violation within any calendar year, the penalty is a written notice of violation.

C. After notice and opportunity to correct the first violation further violations within the same calendar year shall be subject to Municipal Civil Infraction Notices, Citation, Actions, and fines as provided in the Village Ordinances 107(Section 5, Subsection A) and Ordinance 149, treating the first such further violation as the first one under such ordinance.

D. Revocation of License. The Village may revoke the STR License for any dwelling or accessory dwelling unit which is the site or subject of at least three (3) separate incidents or violations of this Ordinance (occurring on three (3) separate days) within a calendar year. An owner may appeal a decision to revoke a license to the Village Council within 30 days of the date the written note of revocation was issued.

Section 7. Enforcement Officials. The Village Zoning Administrator or his/her designee and law enforcement officials of the Leelanau County Sheriff's Department are hereby designated as authorized officials who are empowered to issue municipal civil infraction notices or citation pursuant to this Ordinance.

Section 8. Civil Action. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the circuit court to abate or eliminate a violation of this Ordinance,

Section 9. Severability. 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 publication.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Adoption Date:
Publication Date:
Effective Date:

DRAFT



VILLAGE COUNCIL MEETING DOCUMENTATION

Prepared:	May 2,2024	
Meeting Date:	May 9,2024	Work Session
Subject:	Beach Parking Fees	Author: Dye/Parks Committee

Overview:

The Parks Committee was allowed to look into raising the rates for beach parking. Parking rates have stayed the same since the first pay machine was installed in June of 2014 - ten years ago.

The Parks budget and spending has been fairly constant throughout the last ten years at between \$70,000 to the highest of \$91,000 last year not including grants. Average spending for the last 10 years is about \$78,000. These costs are for both Shalda and the Lake Michigan Beach Park combined.

The Parking machine at \$1 per hour brings in an average \$36,412 calculated over the last three years.

If the parking fee were increased to \$2 per hour that would be an average of \$72,824 which would pay for most of the Park expenses and allow us to upgrade the playground equipment, boat ramp, and other projects when needed.

Alex from the Michigan DNR Grants Management office has said we could raise the fee to \$2 per hour or charge a flat fee. She did not say what flat fee would be acceptable. At our meeting we had suggested offering a flat rate option of \$10 per day in addition to the \$2 per hour. This would need more signage.

John has said that he could order stickers to place over the \$1 on the existing signs.

Action Requested:

Consider raising the parking fee at the beach to \$2 per hour.
Consider offering the option of a flat rate of \$10 per day as well as an increase to \$2 per hour.

PARK EXPENSES 2021 - 2023

EXPENSES	2021-2022	2022 -2023	2023 - 2024	2024 - 2025
WAGES				
PARK MAINTENANCE	\$26,449.72	\$23,499.90	\$23,586.19	
CLERK	\$2,599.94	\$2,566.63	\$2,959.15	
AMBASSADORS	\$6,519.91	\$6,161.25	\$13,833.06	
PR TAX EXPENSE	\$2,718.50	\$2,459.61	\$3,100.84	
RETIREMENT	\$1,000.56	\$568.63	\$669.01	
INSURANCE	\$4,896.78	\$2,759.00	\$2,915.00	
SUPPLIES	\$3,395.68	\$2,878.09	\$1,656.97	
REPAIRS & MAINT	\$11,155.16	\$10,772.60	\$13,029.06	
WASTE DISPOSAL		\$190.32	\$2,414.42	
EQUIP RENTAL	\$17,774.82	\$18,953.63	\$24,676.60	
CREDIT CRD FEE	\$2,018.38	\$2,371.17	\$2,558.03	
TOTAL NOT INCLUDING CAPITAL IMPROV	\$78,529.45	\$73,180.83	\$91,398.33	
(CAP. IMPROV.)	\$7,617.93	\$18,323.17	\$296,791.33	
TOTAL FOR BOTH PARKS	\$86,147.38	\$91,504.00	\$388,189.66 \$150,000 GRANT TOTAL \$238,189.66	
PARKING MACHINE INCOME \$1/HR	\$37,122.45	\$34,372.91	\$37,765.35	
\$2/HR			ESTIMATED - \$75,530.70	

RE: 2006 Mi Natural Resources Trust Fund Grant

March Dye <m.dye@villageofempire.com>

Good morning, March,

Thank you for providing the extensive background and proposal to our team. We agree that an increased rate is supported by the documentation you provided and the project agreement. You are welcome to choose either a flat fee or increase to \$2 per hour, whatever is agreeable to the Village.

Please let me know if you have any additional questions.

Best,

Alex



Alexandria Galloway

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hi Alex,

I am attaching a copy of the recorded resolution of March 30, 1974 which states that the Empire Township residents have the same access rights and privileges as Village residents. This was because the Township deeded the area to the Village for \$1.

At the current time we supply parking stickers to Village and Township residents free of charge.

There is a charge to replace lost stickers. We charge all others \$1 per hour to park in the parking lots at the beach between Memorial and Labor Day. No fee is charged the rest of the year. The Village also pays the Lions Club a yearly fee to allow free parking to visitors who wish to walk the short distance to the beach and not pay the \$1 per hour. People are allowed to walk to the park, drive to the park and drop off people and kayaks, etc. and pay no fee for the use of the park. The only fee is for parking in the lots at the beach. There is no gate to get into the park.

In 2014 it was determined that \$1 per hour was legal under the grant guidelines.

The grant states "Nonresident fees shall not exceed twice that charged residents; where no fees are charged [to residents], non resident fees may not exceed the rate charged residents at other facilities in the area open to the public."

Residents of the Village of Empire and Empire Township are charged a \$5 flat fee to park at the Lake Township Park which is the closest Lake Michigan beach to us (11 miles) other than the National Park Beaches. The National Park Beaches are \$25 for a day pass (valid for 1-7 days).

We are considering either a flat fee or a raise to \$2 per hour. We would like to know what our options are.

We are a village of 365 residents trying to maintain a beach and playgrounds which are full for most of the summer. We are the nearest Lake Michigan beach to Traverse City, a city of 15,000. We are not trying to make money on the beach - only to maintain it.

I hope this was the information you needed.

March

EMPIRE TOWNSHIP BOARD

EMPIRE, MICHIGAN 49630

LIBER 173 PAGE 812

I, Marian E. Mingus, Empire Township Clerk, do hereby certify this to be a true copy of the attached resolution adopted by the Empire Township Board on March 30, 1974.

Marian E. Mingus,
Clerk

R E S O L U T I O N

WHEREAS, Empire Township and Empire Village are presently joint owners of the lakeshore park located in the Village of Empire, legal description as follows: A parcel of land in Gov't Lot Four (4), Sec Twenty-four (24), Township Twenty-eight (28) North of Range Fifteen (15) West described as follows: To locate a point of beginning, start at the iron stake on the South line of said Lot Four, 835 feet West of the Southeast corner thereof; thence North 42° East, 327.5 feet to an iron stake. (Said iron stake is at the intersection of the North line of a parcel sold to Mrs. Clagett with the West line of the so-called, Collins, Fry Lot, and is the point of beginning.), Thence West, on the North line of said Clagett parcel, 820.7 feet, to the shore of Lake Michigan; thence North 15° 42' East, along said shore, 1038.7 feet; thence East 425 feet, to a stake on the West shore of South Bar Lake; thence Southerly following the shore 970 feet, more or less, to a stake near the South end of the lake, and South 10° 38' West, 897 feet from the last described stake; thence South 81° 09' East 284.2 feet, more or less, to the West line of the Collins, Fry Lot; thence South, on said lot line, 74.6 feet, to the point of beginning. Containing 9.18 acres of land - EXCEPTING a piece of land described as follows, previously deeded to the Village of Empire; Beginning at the Southeast corner of Lot 4, Sec 24, Town 28 North, Range 15 West, thence North 201.7 feet, thence North 70°, West 469.1 feet, thence North 82° West 590.3 feet to a point of beginning; thence West 130 feet, thence South 60.3 feet, thence East 130 feet, thence North 60.3 feet. The title includes all riparian rights legally accruing.

It is agreed that the grantor herein retains the privilege of a right of way over the parcel hereby conveyed. Said right of way is to be Thirty-three (33) feet in width, and to extend, to and along the West shore of South Bar Lake and not more than 100 feet distant from the West edge of said Lake, AND

WHEREAS, the Village has requested ownership and the Township recognizes the feasible administration under a single unit of government, AND

WHEREAS, the location of the park being within the Village gives cause for the Village to have the greater interest in its administration,

THEREFORE BE IT RESOLVED, the Empire Township Board enter into a transaction with the Village of Empire for the purpose of transferring the Township's share of said park to the Village, all prior motions or resolutions not withstanding, AND

BE IT FURTHER RESOLVED, that in the agreement the Empire Township residents retain the same access rights and privileges of usage as the Village residents, AND

BE IT FURTHER RESOLVED, that if said property ceases to be used as a Village park the one-half ownership (Township share) revert back to Empire Township, AND

BE IT FINALLY RESOLVED, that an attorney be designated by the Township Board to draw up the necessary legal documents to carry out the intent of this resolution and the Empire Township Officers be given the right to sign said agreement.

The above Resolution was duly adopted at the Annual Meeting March 30, 1974.

Marian E. Mingus

BEACH PARK ACRES



Village Council Meeting Documentation

Date Prepared:	5/2/2024	# of Pages:3
Meeting Date:	5/9/2024	Meeting Type: work session
Subject:	Shirt policy and PPE policy	Author: Meg Walton

Overview: 2 issues to be resolved: First issue: the purchase of shirts and sweatshirts for the DPW has necessitated an agreement to be signed by the employee concerning the village purchased clothing items. This draft agreement form identifies for the employee and the village the responsibilities of both the employee and the village concerning the aforementioned clothing items.

Second issue: The Village of Empire Personnel Manual does not directly identify the Personal Protection Equipment (PPE) available for use by village employees and the responsibility of the DPW superintendent for use of PPE. This policy statement solves that problem.

Questions: Should the Shirt and Sweatshirt Agreement be included in the new hire employee materials? Should the PPE workplace safety policy be included in the Empire Personnel Policy manual under 4.5.1?

Recommendation for Action: Inclusion in the Regular Meeting for Consent agenda approval unless there exist significant issues with the Personnel Committee documents as highlighted by work session discussion

Suggested insert in Personnel Policy 4.5.1 Workplace Safety:

Supervisor/Manager Responsibility:

- Performing a "hazard assessment" of the workplace and operation to identify and control physical and health hazards.
- Identifying and providing appropriate PPE for employees.
- Training employees in the use and care of the PPE.
- Maintaining PPE inventory, including replacing worn or damaged PPE.
- Periodically reviewing, updating and evaluating the effectiveness of the PPE program and PPE selection.

Depending on the type of operation the employee is performing, along with the supervisor's hazard assessment, the following minimum types of PPE should be used:

- Eye and Face Protection (Goggles, Glasses, Face Shields)
- Head Protection (Class A, BorCHard Hats)
- Foot and Leg Protection (Safety-toe shoes including steel or composite material, Steel Shank shoes, Chaps, Leggings)
- Hand and Arm Protection (Gloves, Kevlar Sleeves)
- Body Protection (Arc-Flash Hazards, Temperature Extremes, Potential Impacts from tools, Hazardous Chemicals or Materials)
- Hearing Protection (Single-Use Earplugs, Ear Muffs, Molded Earplugs)

At an absolute minimum, hard hats, gloves, ear plugs, safety vest and safety goggles should be available to each and every employee who will (or may be) exposed to any field work. Additional PPE should be identified by the supervisor via the Hazard Assessment and issued as needed.

Shared PPE Items:

Those who only occasionally have a need for PPE should be given access to shared resources (like hard hats, gloves, bulk ear plug stock, vests, goggles, lab coats), rather than purchasing individual safety items for each employee. Shared safety items purchased by the village will remain the property of the village.

Draft 4/18/24

**Village of Empire
Employee Shirt and Sweatshirt Agreement**

Each new employee will be issued the listed shirts (both long sleeve and short sleeve) and a sweatshirt with the Empire Village logo on them. Shirts and sweatshirt are provided at no cost to you. Shirt and sweatshirts are considered village property. Upon issuance, shirts and sweatshirt become the responsibility of the employee but owned by the Village of Empire. You agree that, as an employee of the village of Empire you will wear the designated shirt and or sweatshirt declared here and represent the village of Empire by upholding a professional image. By signing, you agree to the following policy regarding the shirts and sweatshirt:

- Shirts and sweatshirts will be kept neat, clean and in good condition at all times.
- Employees are responsible for the proper maintenance, laundering and care of these items.
- If the shirt or sweatshirt needs to be replaced owing to normal wear and tear, the village will replace it at no expense to the employee.
- If anything, outside of normal wear and tear results in the need for a replacement, the replacement will be at the employee's expense. Payroll deductions may be arranged to cover replacement cost.
- If an employee would like additional shirts or sweatshirt issued, please bring this to the attention of the Department of Public Works Superintendent and the Deputy Clerk.
- Upon termination of employment, or upon management request, shirts and sweatshirt are expected to be returned in a reasonable state and in their entirety.

If employees have questions regarding this policy or its implementation, they should contact their supervisor.

Items Issued:

Item	Quantity	Cost per item	Date Issued	Signature of recipient

Total Items				
Total Cost				

By signing below, I verify that I was given the items listed, and I understand and agree to all the policies outlined in the document.

Employee name (please print)

Signature and date

Village of Empire Deputy Clerk

From: Sarah U'Ren <suren@gtbay.org>
Sent: Monday, April 29, 2024 10:57 AM
To: 'deputyclerk@villageofempire.com'; 'Derith Smith'
Cc: 'Eric Johnston'
Subject: 2024 Summer Beach Monitoring - add South Bar Lake?

Good morning,

I wanted to touch base about our summer beach monitoring program. In the past, the Village of Empire has added on South Bar Lake to our monitoring program for \$1,500. The cost would be the same this year, payable to SOS Analytical and you would just deal directly with them for payment. Our funding from EGLE still covers Empire beach.

Are you interested in doing that again this year? It's basically the same program as last year which was once/week on Wednesdays for 13 weeks (June 12-Sept 4), with notifications on Thursdays. Eric from the health department will notify you of results, and then we at TWC would handle uploading the results to the state's website.

If you are interested again, I believe you had SOS Analytical invoice you for the cost all up front at once. Let us know if you'd like that again as well.

Thanks,
Sarah

Sarah U'Ren
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