

SCHOOLCRAFT COUNTY
ORDINANCE NO. _____
AN ORDINANCE TO ADOPT AMENDMENTS TO THE COUNTY'S ZONING
ORDINANCE REGARDING SHORT TERM VACATION RENTALS

The County of Schoolcraft ordains:

SECTION 1. AMENDMENT TO SECTION 4.06.

Section 4.06 of the County's Zoning Ordinance is hereby amended to remove "Short term vacation renting per Section 6.21" from the list of Conditional Uses in the Residential 1 District, Residential 2 District, Lakeshore and River 1 District, and Lakeshore and River 2 District. Section 4.06 is also amended to add "Short term vacation renting per Section 6.21" to the list of Permitted Uses in all zoning districts.

SECTION 2. AMENDMENT TO SECTION 6.21.

Section 6.21 of the County's Zoning Ordinance entitled "Renting and Leasing" is hereby amended to read, in its entirety, as follows:

SECTION 6.21 RENTING AND LEASING

A. Permit Requirement. Short Term Vacation Renting is a permitted use in all zoning districts.

B. Application and Fee Requirements. An Owner seeking a permit under this Section shall submit a completed application on a form provided by the County to the County Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the County Board of Commissioners. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit, and proof of liability insurance covering vacation rentals for an amount not less than \$500,000 (five hundred thousand dollars), and all information reasonably necessary for the Zoning Administrator to determine whether the applicable standards for approval provided in this Section have been met. An application shall not be considered complete until all required or requested information has been provided.

C. Standards for Approval. After receiving a completed application for a Permit, the Zoning Administrator shall approve, approve with conditions or deny an application for a Short Term Renting permit. All application denials shall be in writing specifying the reason for the denial. A permit will only be issued upon a finding that the application complies with, or with conditions will comply, with all of the following applicable standards:

1. Maximum occupancy will be based on two (2) persons per bedroom (not including children ages 12 and under), but in no case shall occupancy exceed eight (8) persons ages 13 and older to any one dwelling, seasonal dwelling, cabin or cottage.

2. The minimum length of Short Term Vacation Rental Contract is four (4) consecutive days/nights. The maximum period allowed for Short Term Vacation Renting shall be limited by the terms of the applicable permit purchased by the Owner.
3. Short Term Vacation Renting Permits may be purchased by the Owner only in seven (7) week blocks of time allowing Short Term Rentals during that period.
4. An Owner may purchase up to four (4) Short Term Vacation Renting Permits for each twelve (12) month period, each for a separate consecutive seven (7) week block of time, thus for a maximum of twenty-eight (28) weeks during the twelve (12) month period that begins on January 15th and ends on January 14th the following year.
5. During each seven (7) week rental period, the Owner of the rented property must prominently display a sign that states this is a property Used for Short Term Rentals. Such sign:
 - a. Must be displayed outside the rented premises and located separately from the structure such that it can be read without entering the premises or its porches, decks or other appurtenances.
 - b. Must display a legible and weatherproofed copy of the current applicable permit including the applicable seven (7) week block of time.
 - c. Must contain a monitored emergency phone number to contact the Owner or the Owner's local property manager.
 - d. Must contain whatever other information or posting as required by the Zoning Administrator.
6. The dwelling, seasonal dwelling, cabin or cottage must meet all residential building, health department, and safety codes.
7. The Owner shall provide ample off street parking to accommodate Tenant's vehicles and/or trailers. Tenant parking of vehicles and/or trailers along the street, road or highway is prohibited.
8. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
9. The Owner shall provide the Tenant and the County with the following information prior to occupancy of the dwelling, seasonal dwelling, cabin or cottage. The owner shall also post this information in a conspicuous place inside the dwelling.
 - (a) The name of the local Owner or local agent of the Owner or contact person, and a telephone number at which he or she may be reached on a twenty-four-hour basis; and
 - (b) A copy of the regulations in section 6.21 (C) Numbers 1 thru 13.

- (c) Notification that an occupant may be cited or fined by the County, in addition to any other remedies available at law, for violating any provisions of this Section.

10. All land-based recreational activities shall be limited to rented premises or permitted public areas and shall not encroach on neighboring properties.
11. Tenants of a property used for Short Term Vacation Renting shall observe quiet hours between the hours of 10:00 PM and 8:00 AM. During this time, unnecessary loud noise or music is prohibited and pets shall be kept inside, except when on a leash and accompanied by an adult. Loud noise or music and the keeping of any animal which causes frequent, prolonged, or continuing noise and disturbs the comfort or repose of any person is prohibited.
12. Tenants shall comply with all local and state burning restrictions. All recreational fires must be attended to and are allowed only in designated pits, rings or similar suitable devices designated for burning. Only wood fuel is permitted. The burning of trash or other debris is prohibited.
13. The Short Term Vacation Renting Contract between the Owner and Tenants shall include a provision prohibiting the use of fireworks on the rented premises.

D. Permit, Re-application. A Permit issued under this Section shall be valid during the year in which it is issued. Permits issued under this Section expire annually on January 14th of each year. Permits accompanied by a previously issued and still valid Permit shall be automatically renewed each successive year if accompanied by an updated form and the fee as set by the County Board of Commissioners. All information requested on the form shall be supplied including the exact periods the rentals will be made available to rent. These dates may be adjusted by the owner as necessary by notifying the Zoning Administrator in advance.

Permits shall not be transferable upon sale or other transfer of ownership to subsequent owners. If a permit is no longer in effect as a result of a transfer or change of ownership, or failing to comply with all of the rules, regulations, conditions imposed, and standards for approval, the Owner shall re-apply for a new permit.

E. Inspections and Conditions. The Zoning Administrator may make periodic inspections of a dwelling, seasonal dwelling, cabin or cottage used for Short Term Vacation Renting to ensure continuing compliance with the approval standards specified in this Section.

F. Suspension or Revocation of Short Term Vacation Renting Permit. In addition to any other penalty authorized by law, a Short Term Vacation Renting permit may be suspended or revoked if, after written notice of the charges and an opportunity to respond to the charges, the Zoning Administrator finds by competent, material, and substantial evidence that the permit holder or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Section, including any conditions for approval. The written notice of the charges shall be served on the Owner personally or by certified mail addressed to the last known address on file with the County.

1. Upon a finding by the Zoning Administrator of a First violation within any twelve

(12) month period, the Short Term Vacation Renting permit may be suspended for up to thirty (30) days during which the premises shall not be utilized for Short Term Vacation Renting.

2. Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the Short Term Vacation Renting permit shall be suspended for at least thirty (30) days, but no more than sixty (60) days, during which the premises shall not be utilized for Short Term Vacation Renting.
3. Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the Short Term Vacation Renting permit shall be revoked and the Owner who had been issued the Short Term Vacation Renting permit shall not again be issued a Short Term Vacation Renting permit for a period of twenty-four (24) months during which the premises shall not be utilized for Short Term Vacation Renting.

G. Appeals.

1. Any applicant for Short Term Vacation Renting permit whose application was denied by the Zoning Administrator may, within ten (10) days following the date of such written decision, appeal the denial to the Zoning Board of Appeals. An appeal under this section shall be taken by filing a notice of appeal with the Zoning Administrator and with the Zoning Board of Appeals specifying the grounds for the appeal.
2. Any permit holder whose Short Term Vacation Renting permit is suspended or revoked by the Zoning Administration may, within ten (10) days following the date of such written decision, appeal the decision to the Zoning Board of Appeals. An appeal under this section shall be taken by filing a notice of appeal with the Zoning Administrator and with the Zoning Board of Appeals specifying the grounds for the appeal.
3. The applicant or permit holder pursuing an appeal must pay a filing fee in the amount of \$500 for the appeal.
4. Within a reasonable time of the submission of the appeal, the Zoning Board of Appeals shall consider the appeal at a public meeting and render a decision on the appeal. The applicant or permit holder, as applicable, shall have the right to present witnesses, evidence and arguments. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator. The decision of the Zoning Board of Appeals shall be final. The applicant or permit holder, as applicable, shall be notified in writing of the decision of the Zoning Board of Appeals.

H. Violations. A person who violates any provision of this Section shall be responsible for a municipal civil infraction and is subject to a fine of \$500 for the first offense; \$750 for the second offense and \$1000 for any additional offenses. Fines shall be imposed for each day in which a violation occurs, each of which shall be deemed to be a separate offense. In addition to the civil infraction fine, the judge or district court magistrate shall summarily tax

and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the County has been put in connection with the municipal civil infraction, but not more than \$500.00.

I. Enforcement Officials. The Zoning Administrator and other persons designated by the County Board of Commissioners are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Section to appear in court.

J. Civil Action. In addition to enforcing this Section through the use of a municipal civil infraction proceeding, the County may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se, as permitted in Article 3 of this Ordinance or any other violation of this Section.

SECTION 3. VALIDITY AND SEVERABILITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be published and take effect seven days after publication as provided by law.

Approved this _____ day of _____, 20 .