

EVELINE TOWNSHIP
Charlevoix County, Michigan
Short-Term Rental Licensing Ordinance Amendment
Ordinance No. 1008 of 2019
Revised July 7, 2021

Effective August 18, 2021

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND FOR THE SAFETY OF PERSONS AND PROPERTY IN EVELINE TOWNSHIP BY THE LICENSING AND REGULATION OF SHORT-TERM RENTALS, TO PROVIDE PROCEDURES FOR THE SUSPENSION AND REVOCATION OF SHORT-TERM RENTAL LICENCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

EVELINE TOWNSHIP HEREBY ORDAINS:

Section 1. Purpose

This ordinance is intended to protect and promote the health, safety, and welfare of all the citizens of Eveline Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the Township. It is also the intent of this ordinance to allow for the purchase and continued ownership, rental, and maintenance of properties where renting the dwelling unit for short periods will allow the owner(s) to keep the property for their future use and enjoyment while protecting the integrity of those residential neighborhoods which were developed with the intent of single-family occupancy.

Section 2. Applicability

This ordinance applies to residential dwelling units located in Eveline Township and to all persons owning or exercising control over such buildings or premises which in total or in part, are rented for less than 30 days at a time, during the calendar year. This ordinance shall not apply to bed and breakfast establishments regulated under the Eveline Township Zoning Ordinance.

Section 3. Definitions

As used in this ordinance:

BEDROOM: Any space in the conditioned area of a dwelling unit or accessory structure which could reasonably be expected to be used for the placement of beds or other furniture used for sleeping and which conforms to the definition of bedroom as defined by the International Residential Code (IRC), including:

1. **Entrance:** A bedroom needs at least two methods of egress, so it should be accessible from the house (commonly through a door), and then one other exit (window or door).
2. **Ceiling Height:** A bedroom ceiling needs to be at least 7 ft tall. Some portions of the ceiling may be below this level, but at least 50% of the ceiling needs to be a minimum of 7 ft in height.
3. **Escape:** A bedroom must have one other method of egress beyond the entrance point. A door to the exterior works as an exit point, and so does a window. According to the International Residential Code, a bedroom window can be between 24 and 44 inches from the floor, it needs at least 5.7 square feet for the opening, and it must measure no less than 24 inches high and 20 inches wide.

4. Size: The room should be at least 70 sq ft, and more specifically the room cannot be smaller than 7 feet in any horizontal direction.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DWELLING UNIT: A building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping.

ENFORCEMENT OFFICER: The Zoning Administrator or any person designated by the Township to perform inspections and determine compliance with the applicable rules, standards, statutes, and ordinances.

LICENSE HOLDER: The person who applies for and receives a short-term rental license from Eveline Township. A license holder shall be the owner of the dwelling unit where the short-term rental is located.

LOCAL AGENT: The individual designated by the license holder to perform obligations under this ordinance and to serve as the contact person for issues relating to a short-term rental.

MAXIMUM OCCUPANCY: The maximum number of allowable occupants and the guests of those occupants for a short-term rental.

MINOR: A person under the age of eighteen (18).

OCCUPANT: An individual living in, sleeping in, or otherwise being physically present within a short-term rental.

OWNER: Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

PARKING SPACE: An improved designated area on the property where a short-term rental operates that is legally available for the occupants to park motorized vehicles and trailers. This may include garages, carports, parking bays, and driveways. This does not include yards, required setbacks, and street rights-of-ways.

PERSON: Any individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

PREMISES: The land and the improvements on it.

PROPERTY: Land, firmly attached structures, and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.

RECREATIONAL UNIT : Means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit includes the following:

1. A tent like structure, including but not limited to a, ridge tent, dome tent, pop-up tent, tunnel tent, geodesic or semio-geodesic tent, inflatable tent, backpacking tent, vis-à-vis tent, yurt or glamping tent.
2. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
3. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
4. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of 2 basic types:
 - a. A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - b. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
6. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

RENTAL FREQUENCY: How often a short-term rental may be rented in a given period, regardless of the length of stay.

SHORT-TERM RENTAL: A dwelling unit that is rented in total or part for less than thirty (30) days at a time during the calendar year provided. A short-term rental property does not mean nursing homes, hotels, and motels with daily rental units, all of which shall be exempt from registration and licensing.

SHORT-TERM RENTAL APPEALS BOARD - A three-(3) member board empowered to consider matters specified in this ordinance, consisting of a representative of the Planning Commission, and two individuals appointed by the Supervisor with the concurrence of the Board of Trustees. All appointed members must be residents of the Township and one member must be an owner that operates short-term rentals within the Township. The Supervisor, with the concurrence of the Board of Trustees, shall also appoint a two (2) residents as an alternate members, who may serve when a regular member abstains from deciding a matter due to a conflict of interest. Meetings of the Short-Term Rental Appeals Board shall be conducted following the Open Meetings Act.

Section 4. License required.

An owner of any dwelling unit located within Eveline Township shall not rent or allow to be rented, a short-term rental unless the owner or the owner's authorized agent has obtained a short-term rental

license per the requirements of this ordinance.

Section 5. Application for Short-Term Rental License.

1. Responsibility. It shall be the responsibility of the owner of a short-term rental or the owner's authorized agent to apply for a license through the submission of a short-term rental license application.
2. Application Form. A person seeking a license under this ordinance shall submit a complete application, certified as being true, to the Enforcement Officer. The application shall include all the information specified on the short-term rental application form and any other information deemed reasonably necessary by the Enforcement Officer to determine whether the short-term rental standards and regulations have been met.
3. Application Fee. The application shall be accompanied by an application fee as established and outlined in the Township fee schedule.
4. Eligibility for Short-term Rental; Complete application. Due to the limited number of short-term rentals authorized under this Ordinance, an applicant shall be eligible for a short-term rental license based on the chronological order of when the application is considered complete. A short-term rental license application shall be considered accepted when the Enforcement Officer deems it complete, including verification that real estate taxes that are owing are paid in full. If the Enforcement Officer determines that all required information was not supplied and/or the applicant fails to pay the required fee, the Enforcement Officer shall send written notification to the applicant of the deficiencies.
5. License. Once deemed to be complete, if an application complies with all the standards and regulations of this ordinance, the Enforcement Officer shall approve the short-term rental license within seven (7) Township business days. All short-term rental licenses issued under this ordinance shall be sequentially numbered. All licenses are for one (1) year beginning on the first day of the month the license was issued and ending on December 31st of the calendar year the license was issued. Licenses are to be renewed annually subject to the Enforcement Officer's confirmation of compliance by the license holder with this ordinance.
6. License Renewal Requirement. Before renewing a license, the Enforcement Officer shall verify that the applicant's short-term rental is in good standing and that no written complaints or communications have been submitted by the applicant's neighbors or nearby residents to suggest that the applicant's short-term rental has violated a provision of this ordinance. If communications have been received that suggest that the applicant's short-term rental has violated any provision of this ordinance, the Short-Term Rental Board of Appeals shall hold a violation hearing as specified in this ordinance to determine whether the complaint constitutes grounds for nonrenewal of the license.
7. Number of Licenses. The number of short-term rental licenses issued annually by the Township through application shall not exceed eighty (80). Applicants that have a valid short-term rental license and are in good standing with the provisions of this ordinance shall receive a license for the following calendar year. Any remaining licenses may be issued to applicants who have

submitted a complete application. If the number of applications, including renewal applications, exceeds eighty (80), then the Township will conduct a lottery to determine which of the new applicants shall receive a license.

8. License Renewal Process. All short-term rental licenses shall expire on December 31st of the calendar year for which they are issued. The owner of a permitted short-term rental may reapply for the next calendar year at any point between September 1st and October 31st. All renewal permits for the subsequent year shall be issued by November 15th. The number of permittees that have not applied for renewal by October 31st shall be able to apply as a new applicant and shall have their permit added to the balance of permits available for new applicants. All renewals shall be subject to an on-site inspection by the Enforcement Officer and the Health Department of Northwest Michigan.
9. License Issued Under Previous Short-Term Rental License Program. In the event an owner was issued a license under the previous short-term rental license program for a period of three (3) years that license will remain in effect until its expiration date. At that time, the Owner will be required to apply for a new license. Owners that are in good standing with the provisions of the previous ordinance shall be entitled to receive a license for the following calendar year.

Section 6. New license required upon transfer of ownership and construction or elimination of bedrooms.

A short-term rental license issued under this ordinance shall become void upon the transfer of ownership of the dwelling unit, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit. A short-term rental license shall also become void upon the construction or elimination of bedrooms on the property. A new short-term rental license shall then be obtained from the Enforcement Officer according to the requirements and regulations outlined in this ordinance before short-term rentals may be resumed in the dwelling unit.

Section 7. Short-term rental standards and regulations.

The following standards and regulations shall apply to all short-term rentals in Eveline Township. These standards and regulations, however, shall not supersede deed restrictions on any property (including subdivision developments) and shall not supersede any provisions of the master deed and/or bylaws of a condominium development.

1. Advertising. No short-term rental unit may be occupied or advertised for rent unless the Township has issued a valid short-term rental unit permit according to this ordinance. A short-term rental unit shall not be advertised for an occupancy that is greater than the allowed maximum occupancy allowed under the short-term rental unit permit.
2. Occupancy. The Owner, or their Local Agent, Enforcement Officer, and representative from the Health Department of Northwest Michigan shall conduct a site visit of the property to be used for a short-term rental. This evaluation will consider such factors as the number of bedrooms, baths, additional sleeping furniture, ingress and egress, and an existing capacity evaluation of the septic system, and a safe water supply test which consists of a bacteriological and chemical partial test. The Health Department of Northwest Michigan shall recommend the number of occupants based on this evaluation.

3. Compliance with Local Codes. The dwelling unit must meet all residential building, health department, and safety codes. If modifications have been made to the short-term rental to increase the occupancy, the Enforcement Officer has the discretion to ask for a building code and health department inspection before issuance of the short-term rental permit to ensure compliance with Michigan State Construction Codes and Health Department of Northwest Michigan Sanitary Code.
4. Safety Equipment.
 - A. Smoke Detectors. The owner and local agent of each short-term rental unit shall be responsible for the installation of smoke detectors/alarms in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed per the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) Standards §72.
 - B. Carbon monoxide detectors. The owner of each short-term rental unit shall be responsible for the installation of a carbon monoxide detector in each rental unit. All carbon monoxide detectors shall be of the type described in MCLA §125.1504d
 - C. Fire extinguisher. The owner of each Short-term rental unit shall be responsible for the installation of a fire extinguisher in the kitchen of each unit and near each outdoor cooking device.
5. Right to Inspect Property. As a condition of the permit application process, the owner agrees to an annual inspection for compliance with applicable codes and ordinances if requested by the Enforcement Officer. Failure to satisfactorily complete an inspection shall be grounds for withholding a permit or deeming an existing permit to be immediately void.
6. Designation of a Local Agent. If the license holder does not qualify as a local agent, then that license holder shall designate a local agent and shall authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this ordinance. The local agent must be available to accept telephone calls on a 24-hour basis at all times that the short-term rental is occupied by short-term renters and will have a key to the rental unit.
7. Notification. The address of the property and contact information for the local agent and the Enforcement Officer or Township Enforcement Officer must be posted in a prominent first-floor door or window of the rental and copies of the contact information must be given to the neighbors located within 300 feet of the short-term rental.
8. Information. All notification information shall be kept current and up to date.
9. Number of Vehicles; Parking. The Owner and Enforcement Officer, after a site visit of the property to be used for a short-term rental, will decide on the maximum number of vehicles, boat trailers, and other trailers that can be parked on the property. The number of vehicles and trailers may include those for short-term renters, as well as owner vehicles. However, recreational units shall not be allowed on the property. In no instance shall there be parking on any public road or rights-of-way, and any adjacent property.
10. Waste/recycling disposal. The owner must make provisions to have refuse picked up (curbside) at

least once per week when the short-term rental unit is being rented. Where curbside pickup is not reasonably available, this requirement may be satisfied by the provision of a communal dumpster available for use by occupants of the short-term rental unit. All garbage shall be located at all times inside a trash receptacle that has a lid or closure.

11. Lighting. Outdoor lighting shall conform to the standards in Section 4.23 of the Eveline Township Zoning Ordinance.

12. Rules and regulations to be provided to occupants.

A. Owner. The license holder or local agent shall provide all occupants of a short-term rental with the following information before occupancy and shall post such information in a conspicuous place within each short-term rental:

- i. The name of the license holder or local agent responsible to perform obligations related to the short-term rental under this ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
- ii. Notification of the maximum number of overnight occupants permitted in the short-term rental.

B. Township. Township shall provide the Owner an 8 ½ " x 11" laminated short-term rental permit poster which and shall post such information in a conspicuous place within each short-term rental:

- i. The dates that fireworks can be used in Eveline Township according to the State Fireworks law.
- ii. Notification that an occupant and/or a guest of an occupant may be cited for a violation of this ordinance, the State Fireworks laws, other local ordinances of Eveline Township, or other state ordinances in addition to any other remedies available to the Township.
- iii. Quiet hours are from 10:00 p.m. to 8:00 a.m. Only noise commensurate with that of the single-family residential land use is allowed during quiet hours.

Section 8. Suspension and Revocation of License.

1. Permit Revocation. The Township may revoke the short-term rental permit for any short-term rental which is the site of at least three separate incidents (occurring on three separate days) within a calendar year as determined by the Enforcement Officer. The Enforcement Officer shall provide written notice of each incident to the Owner and Local Agent.
2. Permit Revocation Process. Upon a written determination by the Township that the short-term rental permit is subject to revocation, the Township shall issue a notice to the owner and the local agent stating that the Township intends to revoke the short-term rental permit. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the short-term rental permit should not be revoked if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Township shall schedule the hearing before the Short-Term Rental Appeals Board. The Township shall notify the owner and local agent in writing of a time and place for that hearing.

3. Violation hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in the written determination are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations. The Short-Term Rental Appeals Board decision to suspend, revoke, or deny renewal of the license shall be made using factual evidence presented at the violation hearing. If the license holder can adequately demonstrate using measurable evidence that the violation concerns will be abated in the future, then the Short-Term Rental Board of Appeals may decide not to suspend or revoke the license or may decide to renew the license. The Short-Term Rental Board of Appeal's decision shall be in writing and shall specify the factual evidence upon which it is based.
4. Subsequent violations. Upon revocation of a permit, a new permit will not be issued for 18 months, and the property cannot be used for short-term rentals until a new permit is obtained.

Section 9. Penalties.

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
 - A. For a first offense, the person shall be fined not less than \$250 plus the costs of prosecution and other sanctions provided by law.
 - B. The fine for any offense which is a second offense, or any subsequent offense shall not be less than \$500.00.
2. The Enforcement Officer is designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 10. Repeal.

Eveline Township Ordinance No. 1008 of 2019, is hereby repealed in its entirety.

Section 11. Severability.

If any section, clause, or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 12. Effective date.

This ordinance shall become effective thirty days following its publication in a newspaper of general circulation within the Township.

Ordinance No. 1008 of 2019, Revised July 7, 2021 was adopted on 07/13/2021, by the Eveline Township Board as follows:

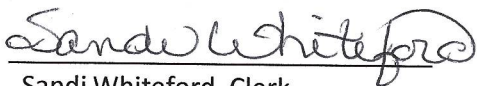
Motion by: Mr. Beishlag

Seconded by: Mr. Chapman

Yeas: 5

Nays: 0

Absent: 0



Sandi Whiteford, Clerk



John Vron dran, Supervisor