

This ordinance is derived from using short-term rental ordinances within our surrounding regions, including Township of Green Lake, Township of Leland, City of Frankfort, and Long Lake Township.

VILLAGE OF LAKE ANN

Ordinance No. ___ of 2023

SHORT-TERM RENTAL ORDINANCE

This ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens in the Village of Lake Ann by requiring the registration and licensure of short-term rentals within the Village. It is also the intent of the ordinance to protect the integrity of residential neighborhoods while allowing property owners to receive remuneration from rental of a dwelling unit.

1) DEFINITIONS

- a. Dwelling Unit: Any house, room, boarding house/rooming house or apartment, tourist home/bed & breakfast, or group of rooms located within a building forming a single habitable area which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating.
- b. Good Neighbor Guide: A specific document containing guidelines developed by the Village of Lake Ann to be provided to and made available for Short-Term Property Managers to ensure our residents' quiet and peaceful enjoyment of their neighborhood. The "Good Neighbor Guide" is to be posted in the STR and a copy given to the renter.
- c. License: A license is an annual short-term rental license duly issued by the Village of Lake Ann. This license is non-transferrable and is renewed annually.
- d. License Holder: The owner or authorized agent of the property, who applies for and receives a short-term license.
- e. Local Contact Person/Caretaker: A local property manager, owner, or agent of the owner who is designated by the owner for the oversight and care of the short-term rental and shall be available to respond with a key to the structure within 60 minutes of complaints or take remedial action and/or respond to any violation of any Village ordinance.
- f. Parking Space: All parking associated with the STR.
- g. Short-Term Rental: A short-term rental means a dwelling unit in which guests (transient) are provided lodging for a period less than 30 days in return for payment and which the dwelling is not occupied by the owner/caretaker in any way.
- h. Special Event Venue: The place where a meeting or event of a specific type takes place and/or is held (i.e., weddings, showers, bachelor/bachelorette parties, and other parties/gatherings) that exceed the defined building/room capacity of the Dwelling Unit and/or structure.
- i. Tourist Home/Bed & Breakfast: A residential dwelling unit lawfully established under the Lake Ann Village Zoning Ordinance and meeting all requirements of the Zoning Ordinance, which is owner occupied and used or designed as a home business in such a manner that certain rooms, in excess of those used by the owner, are rented to the

transient public for compensation for a period of less than thirty (30) days, and which meets all of the following requirements:

2) LICENSURE REQUIRED

An owner of any dwelling unit located anywhere within the Village shall not rent or allow to be rented, a dwelling unit or a portion thereof to another person for less than 30 nights at a time, unless the owner or the owner's authorized agent has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this ordinance. A License issued by the Village Zoning Administrator or other authorized personnel is required prior to the rental of any dwelling for a period of less than 30 days. An accessory dwelling, as defined in the Village of Lake Ann Zoning Ordinance, shall not be eligible for a short-term rental license under this ordinance.

- a. A license shall be valid for a period of 1 year or until a change in ownership, whichever comes first.
- b. A license is required for each dwelling to be rented on a short-term basis.
- c. A license will be issued within 30 days of receipt of a completed application.
- d. The license shall indicate the maximum number of overnight guests that can be accommodated at the rental in accordance with the standards listed in this Ordinance.
- e. A license and the license holder shall be subject to all the standards and penalties of this Ordinance.
- f. Licenses will expire on December 31st of each calendar year. Applicants may apply for a license anytime for a license to be effective in the same calendar year. Applicants may apply for a license beginning no sooner than October 1st for the upcoming calendar year.

3) APPLICATION

An application provided by the Village for a short-term rental license shall include the following at a minimum:

- a) Property owner name
- b) Address of short-term rental property
- c) The maximum number of people permitted to occupy said property.
- d) Signature(s) of property owner(s) and local contact person, including name and number. This information must be kept up to date in the Village records. It is the certificate holder's responsibility to inform the Village of any change in contact information for the certificate holder or caretaker.
- e) Number of bedrooms in the dwelling
- f) Current Septic and Well Status Report. In the absence of being able to obtain a septic and well status report from the Health Department, a third-party inspection report from a qualified expert documenting the number of bedrooms that can be accommodated pursuant to County Health department regulations concerning tank sizes and bedrooms by the current septic system shall be provided.
- g) An application fee as established and set forth in the Village fee schedule. This fee schedule shall also establish an "after the fact" fee that must be paid when an otherwise lawful short-term

rental is operated but without first complying with the procedural requirements of this Ordinance. The “after the fact” fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the Village as a result of the applicant’s failure to initially comply with the requirements of this Ordinance.

4) SHORT-TERM RENTAL STANDARDS

- a. Parking: All parking shall be provided on site. No on-street or shoulder parking of any motor vehicles or any trailered vehicles (including by way of example but not limited to boats, jet skis, snowmobiles, and trailers).
- b. Capacity Limit: The maximum number of renters to be accommodated shall be equal to two (2) people per legally conforming bedroom or studio apartment, plus two (2) persons per dwelling age 15 and under, or as permitted by the Benzie County Health Department or third party well and septic report, regarding tank sizes and bedrooms, whichever is less.
- c. A copy of the “Good Neighbor Guide” developed by the Village must be provided to the occupants of the STR unit.
- d. All applicable local, state and federal laws, rules, regulations, and ordinances shall not be violated.

5) CONTACT AND RESPONSE

The license holder or local contact person representing the property owner must always be available by telephone and must be physically located within 30-minute travel distance of the property in the event of an emergency or an issue that requires immediate attention.

When notified of an issue of immediate concern, (such issues may include, but are not limited to, noise or quiet hour violations) the license holder or local contact person shall resolve the issue immediately. Issues of non-immediate concern (such issues may include, but are not limited to, failure to include the license number in advertisements or incorrect guest capacity included in advertisements) shall be satisfactorily addressed within two (2) days.

6) IDENTIFICATION

- a. The unique short-term license number issued by the Village shall be included in any advertisement for the rental.
- b. The street address for the short-term rental shall be signed in accordance with the Benzie County Street and Road Numbering Ordinance and clearly visible from the street.

7) Quiet Hours: Short-term rentals shall observe quiet hours between 10:00 pm and 7:00 am.

8) Pets: Pets shall be always secured on the premises or on a leash.

9) Open Fires

- a. Charcoal cookers, braziers, hibachis, grills, gas fired stoves, patio warmers, chimeneas, outdoor fireplaces, or fire pits, shall be permitted provided that:

1. Such fires are intended solely for recreational or food preparations purposes, but not intended for disposal of waste or refuse, including construction waste.
2. Such devices are located at least 10 feet from the nearest structure.
3. Such devices shall not exceed 48 inches in height or diameter.
4. No petroleum (gasoline, kerosene, or other flammable products with low flash points) is used to ignite such fires.
5. A water source is available within 10 feet to extinguish such fires after use.
6. Be respectful and follow all DNR burning ban guidelines.
7. The fires within such devices are gas-lit or consist only of charcoal or clean wood, defined as:
 - a. Natural wood which is not painted, varnished or coated with a similar material.
 - b. Wood that has not been pressure treated with preservatives.
 - c. Wood does not contain resins or glues as in plywood or other composite wood products, except for a small amount of paper product used for the initial igniting of the fire.

10) Applicable Rules

- a. The license holder or caretaker shall provide written notification to an occupant and/or guest of all the rules and that an occupant may be cited for a violation of this ordinance, the Village Noise Ordinance and/or Village Fireworks Ordinance, as amended, in addition to any other remedies available to the village.
- b. The license holder or caretaker shall provide an occupant with a copy of the "Good Neighbor Guide" as provided by the Village.

11) Suspensions and Revocation of License

- a. Grounds for suspension or revocation. The Village of Lake Ann hereby reserves the right to suspend or revoke a certificate that was issued for a short-term rental following the procedures of this section. The grounds to suspend a certificate shall include, but are not limited to, the application material on which a certificate was issued contained false, incorrect, or misleading information and/or statements; the short-term rental no longer complies with the standards contained in Section 5 of this ordinance; or there have been repeated violations and/or no longer comply with the standards contained in this ordinance for the short-term rental. The grounds to revoke a certificate shall include, but are not limited to, the short-term rental certificate holder has committed a total of three (3) or more violations of this ordinance within five (5) years, or the renter, guest of the renter, or non-renter visitor has caused significant property damage to public or private property during the short-term rental period.
- b. Violation notice. If the Lake Ann Village Zoning Administrator has reason to believe that grounds exist to suspend or revoke a certificate that was issued for a short-term rental, the Lake Ann Village Zoning Administrator may then prepare or cause to be prepared a

written notice specifying the grounds for the suspension or revocation, including the factual basis for these beliefs.

- c. Service of notice. The written notice, along with the time, date, and place of the hearing before the Lake Ann Village Council, shall be served to the certificate holder either personally or by first class certified mail, no less than twenty-one (21) days before the hearing.
- d. Violation hearing. If such a violation notice is prepared and served, the Village Council shall hold a hearing at which time the certificate holder shall be given the opportunity to show cause why the short-term rental certificate issued under this ordinance should not be suspended or revoked. At the hearing before the Village Council the certificate holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The certificate holder may also be represented by an attorney. The Village Council's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Village Council's written decision shall then be provided to the certificate holder.
- e. Subsequent violations. After a short-term rental certificate has been suspended, any additional violation(s) committed by the certificate holder within two (2) years of the expiration date of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental certificate, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental certificate holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Village Council may permanently revoke the short-term rental license.
- f. Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately.
 - a. First suspension – six (6) months.
 - b. Second suspension – twelve (12) months
 - c. Revocation – permanent
- g. Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this ordinance and may be subject to court enforcement proceedings and the penalties under this ordinance.

12) Violations

- a. Violations: Any of the following will be considered a violation of this Ordinance:
 - i. Failure to update information with the Village, such as the caretaker's or owner's contact information within a 30-day window of time.

- ii. Advertising short-term rental capacity in excess of that allowed under the certificate issued by the Village.
 - iii. Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active short-term rental.
 - iv. Providing false or misleading information on the application for a short-term rental certificate.
 - v. Failure to obtain a short-term rental certificate when operating a short-term rental.
 - vi. Failure to comply with any of the standards of this Ordinance.
- b. Any person, certificate holder, or caretaker who violates any provision of this Ordinance shall be responsible for a municipal civil infraction within the Village of Lake Ann as recognized under state law and shall be subject to the penalties or sanctions set forth below, plus the costs and attorney fees of the Village in enforcement. In addition, this Article shall be specifically enforceable by order of the Court to prohibit or enjoy future activities on or about the premises in violation of this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation. The penalties for violations of this Ordinance are as follows:
- 1. For a first violation within any calendar year, the penalty is a written notice of violation and a fine of fifty dollars (\$50).
 - 2. A second violation within the same calendar year shall be subject to a municipal civil infraction citation punishable by a fine of two hundred fifty dollars (\$250). All Owners, regardless of their interest in the property, may be held jointly and severally responsible for any such municipal civil infraction. The Village Zoning Administrator designated by the Village Council is hereby designated as the authorized official to issue municipal civil infraction citations directly to alleged violators of this ordinance to appear in court.
 - 3. A third violation within the same calendar year at a single STR unit shall be subject to a municipal civil infraction punishable by a fine of five hundred dollars (\$500), and the permit for that STR unit may be revoked. The Owner of such a unit may reapply for an STR permit no sooner than twelve (12) months after revocation of an STR permit and, upon the owner's request, may be added to any waitlist for such permits.
 - 4. If there are one or more violations each year during any three (3) consecutive year period, the permit may be revoked.

13) Civil Action

In addition to enforcing this Ordinance using a municipal civil infraction proceeding, the village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

14) 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.

15) Effective Date

This ordinance shall become effective 30 days after its publication in a newspaper of general circulation within the Village.

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