TOWNSHIP OF ACME
GRAND TRAVERSE COUNTY, MICHIGAN

SHORT-TERM RENTAL ORDINANCE
ORDINANCE NO: 2017-01
Amendment: 2019-02

ARTICLE 1: OVERVIEW

Section 1.1: Title

This Ordinance shall be known as the Acme Township Short-Term Rental Ordinance, referenced within as "Ordinance".

Section 1.2: Findings

The Acme Township Board of Trustees declares the following findings:

a. The Township staff, elected and appointed officials have received complaints involving excess noise, litter, disorderly conduct, overcrowding, traffic, congestion, parking, and safety associated with short-term rentals.

b. The transitory nature of occupants of short-term rentals makes continued enforcement and administration of existing ordinances against the occupants difficult.

c. Short-term rentals provide a community benefit by contributing to a variety of lodging facilities for guests to utilize, supporting the local economy by increasing the number of visitors to the area, and assisting owners of short-term rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

d. The Township wishes to preserve and maintain the residential character of the community and quality of life for all residents.

e. The provisions of this Ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residents posed by short-term rentals.

Section 1.3: Purpose

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Acme Township by requiring the registration and permitting of short-term renting of single-family and duplex dwelling units.

Section 1.4: Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Acme Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, associations or rental agreements.

Section 1.5: Definitions

Bedroom: A separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes. A bedroom must be a habitable space not be less than seventy (70) square feet, not less than seven (7) feet in one dimension, not located in an attic or basement without egress meeting standards in applicable building, residential and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms or living rooms.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy by one family, and having cooking facilities.

Dwelling, Duplex: A single building with two dwelling units designed for or occupied exclusively by two families living independent of each other.

Dwelling, Single-Family: A detached dwelling unit designed for the exclusive occupancy by a single family.

Extenuating Circumstances: Conditions under which a violation of this Ordinance has occurred that may include a) committed by a non-renter and the renter(s) attempted to prevent or halt the violation, b) resulted from an act of nature, c) other circumstances that the property owner or local agent could not reasonably anticipate and prevent, and could not reasonably control.

Good Visitor Guidelines: A document prepared by the Township Zoning Administrator that includes:

1. A summary of the following Acme Township Ordinances and all applicable penalties:
    a. Consumer Fireworks Ordinance [2016-01]
    b. Fire Prevention Ordinance [2015-01]
    c. Refuse Collection Ordinance [2011-01]
    d. Junk Ordinance [2005-04]
    e. Noise Ordinance [2005-03]
    f. Trespass Ordinance [87-2]
2. A reminder that the short-term rental may be operating in a residential neighborhood and that the neighbors may not be vacationing.
3. A reminder that the short-term rental may be operating in an agricultural district and that necessary agricultural activities may take place that are protected under the Michigan Right to Farm Act (Public Act 93 of the Public Acts of 1981)
4. A statement informing the occupant(s) that neighboring property owners may contact the local agent, sheriff's department, Township, or Township designee to report any issues relating to the property.

Local Agent: An individual designated to oversee the short-term rental of a dwelling unit in accordance with this Ordinance. The local agent shall respond to calls from renters, concerned citizens, and representatives of the Township, live or maintain a place of business within thirty (30) miles of the dwelling unit, be available twenty-four (24) hours a day while the short-term rental property is occupied, and respond within sixty (60) minutes to any issues that may arise. A property owner who meets these criteria may be the local agent.

Occupant: Any individual living in, sleeping in, or having possession of a dwelling unit, or portion thereof pursuant to a rental agreement. This does not include guests who are visiting between the hours of 8:00 am and 11:00 pm.

Owner: The person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

Parking Space: An 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 and street right-of-ways.

Short-Term Rental: The commercial use of renting a dwelling unit, or portion thereof, for a period of time less than thirty-one (31) consecutive calendar days. This does not include approved bed and breakfast establishments, hotels/motels, tenant housing, or campgrounds.

Special Event: Outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, or other similar gatherings that exceed the maximum number of occupants allowed.

Tourist Home: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupation.

Vacation Home: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupation.

Section 1.6: 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.

ARTICLE 2: GENERAL STANDARDS

The following standards shall apply to all short-term rentals:

Section 2.1: Permit

All short-term rentals shall be required to register with, and be permitted by the Township. Permits shall:

a. Be valid for one calendar year,

b. Be required for each short-term rental unit,

c. Be issued prior to advertising a short-term rental,

d. Not transfer with the sale of the property, or be transferred from one property to another.

e. Be displayed on the front door, or in a prominent location on the façade or nearby window not more than five (5) feet from the front door, measured from the edge of the door frame, except in the case of tourist homes,

f. Display the maximum number of occupants allowed,

g. Display the contact information for the local agent and Township, or Township designee.

Furthermore, the short-term rental permit number shall be posted and clearly evident on any and all advertisements related to the short-term rental of a property.

Section 2.2: Exceptions and Exemptions

A dwelling unit does not need a short-term rental permit as required in this Ordinance when the occupancy of the dwelling unit occurs under the following circumstances:

a. *Family occupancy*. Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit. Family occupancy also exempts guest houses or similarly separate dwelling units located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visiting clergy, medical caregivers, and child care givers, without compensation to the owner.

b. *House-sitting*. During the temporary absence of the owner and owner's family the owner may permit non-owner occupancy of the premises, without compensation to the owner, without a short-term rental permit.

c. *Dwelling sales*. Occupancy by a prior owner after the sale of a dwelling under a rental agreement.

d. *Estate representative*. Occupancy by a personal representative, trustee, or guardian of the estate and his family, with or without compensation.

Section 2.3: Local Agent

Each owner of a short-term rental shall designate a local agent meeting the criteria as defined in this Ordinance who has access to and authority to assume management of the short-term rental and take remedial measures. For tourist homes, the owner shall be the local agent.

Section 2.4: Good Visitor Guidelines:

A copy of the Good Visitor Guidelines established by the Township shall be provided to all occupants for review and remain on premises.

Section 2.5: Refuse and Recyclables

The storage and disposal of all refuse and recyclables shall meet the following:

a. All refuse and recyclables shall be stored in a container with a tight-fitting lid approved by the waste hauler.

b. Refuse and recyclable containers shall be placed in front of the premise for pick up only on the day designated by the waste hauler.

Section 2.6: Pets

All pets shall be confined on the property or on a leash at all times. Pets that cause frequent or long continued noise that disturb the comfort and repose of any person in the vicinity shall be found in violation of this ordinance.

Section 2.7: Wastewater

The owner shall maintain a properly functioning septic system per the Acme Township Uniform Septage Control Ordinance (2004-2), or sewer connection per the Grand Traverse County Public Works Department Uniform Sewer Use Ordinance (1994, as amended).

Section 2.8: Parking

All parking by the occupants and guests of a short-term rental shall only park in designated parking spaces as defined by this Ordinance.

Section 2.9: Fireworks

No person shall ignite, discharge or use Consumer Fireworks within Acme Township, except this prohibition shall not preclude any person from igniting, discharging and using Consumer Fireworks on the following days after 11:00 a.m.:

1. December 31 until 1:00 a.m. on January 1;
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;
3. June 29 to July 4 until 11:45 p.m. on each of those days;
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.;
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Furthermore, the use of untethered sky lanterns shall be prohibited in Acme Township.

Section 2.10: Noise

No person within the Township shall cause a noise or disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities. This includes, but is not limited to, the following prohibited acts:

a. The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.

b. The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.

c. The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.

d. Shouting or other raucous or boisterous behavior for an unreasonable length of time.

e. Short-term rentals shall observe quiet hours between 11p.m and 7:00a.m.

Section 2.11: Signage

Signage advertising the existence of a short-term rental is prohibited.

Section 2.12: Events

Special events are not permitted.

Section 2.13: Recreational Vehicles

Recreational vehicles shall not be used on the property by occupants or the property owner while a short-term rental is being occupied.

Section 2.14: Fire Safety

All short-term rental operations shall meet the necessary safety standards established by Grand Traverse Metro Fire Department, including but not limited to smoke detectors, carbon monoxide detectors and fire extinguishers.

Campfires shall be contained in designated 'fire pit' areas away from trees, structures, or combustible materials, and property lines. Fires must be attended at all times and properly extinguished after use.

Section 2.15: Advertising

A short-term rental shall not be advertised as a bed and breakfast establishment. A bed and breakfast is subject to the requirements of Section 9.2.4 in the Acme Township Zoning Ordinance.

ARTICLE 3: TOURIST HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all tourist home short-term rentals:

Section 3.1: Allowable Locations

Tourist homes shall be permitted in all zoning districts.

Section 3.2: Maximum Occupancy

The maximum occupancy of any tourist home shall be based on the number of bedrooms, whereas:

a. A maximum of two (2) occupants per bedroom shall be allowed,

b. A maximum of three (3) bedrooms shall be rented to occupants of a tourist home.

The property owner shall inform the Township of any renovations or additions to the tourist home that will result in an increase in the maximum occupancy.

Section 3.3: Owner Occupancy

The owner of the tourist home shall have their legal residence established at the location of the operation, and be living in the dwelling unit and present overnight at the time occupants are staying on the property.

Section 3.4: Application

a. *Responsibility* – It shall be the responsibility of the owner of a tourist home to register the operation and obtain a permit from the Township. The Acme Township Fiscal Responsibility Ordinance #2010-03 states that all real and personal property taxes, fees, penalties, fines, assessments, general assessments and other monies owed to the Township are current and paid up to date.

b. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

   1. Name, address, telephone number, and email of the owner of the vacation home.
   2. Name, address, telephone number, and email of the designated local agent.
   3. The number of bedrooms in the vacation home intended to be used by occupants.
   4. A description of the property that states the number of acres.
   5. A sketch of designated parking spaces.
   6. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.

c. *Fee* – An application for a tourist home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.

d. *Number of Permits* – The number of tourist home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.

e. *Renewal* – All tourist home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted tourist home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 4: VACATION HOME STANDARDS

In addition to the General Standards in Article 2, the following standards shall apply to all vacation home short-term rentals:

Section 4.1: Allowable Locations

Vacation homes shall be allowed in the agricultural zoning district, and in single-family dwellings in the commercial zoning districts.

Section 4.2: Maximum Occupancy

The maximum allowed occupancy of a vacation home shall not exceed the lesser of:

a. Two (2) occupants per bedroom plus four (4) additional occupants, or

b. For parcels under ten (10) acres in size the occupancy shall not exceed ten (10) occupants, or

c. For parcels of ten (10) acres or more the occupancy shall not exceed fourteen (14) occupants.

The property owner shall inform the Township of any renovations or additions to the vacation home that will result in an increased in the maximum occupancy.

Section 4.3: Application

f. *Responsibility* – It shall be the responsibility of the owner of a vacation home to register the operation and obtain a permit from the Township. The Acme Township Fiscal Responsibility Ordinance #2010-03 states that all real and personal property taxes, fees, penalties, fines, assessments, general assessments and other monies owed to the Township are current and paid up to date.

a. *Application* – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the Township:

   1. Name, address, telephone number, and email of the owner of the vacation home.
   2. Name, address, telephone number, and email of the designated local agent.
   3. The number of bedrooms in the vacation home intended to be used by occupants.
   4. A description of the property that states the number of acres.
   5. A sketch of designated parking spaces.
   6. An affidavit signed by the owner acknowledging the provisions of this Ordinance, and all applicable local and state laws.

b. *Fee* – An application for a vacation home permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the Township Zoning Administrator.

c. *Number of Permits* – The number of vacation home permits issued annually by the Township through application shall not exceed fifty (50). Permittees that have a valid permit and are in

good standing with the Township shall have first priority in receiving a permit for the following calendar year. The remaining balance of permits may be issued to applicants who have submitted a complete application. If the number of applications, including renewal applications, exceeds fifty (50), then the Township will conduct a lottery to determine which of the new applicants shall receive a permit.

d. *Renewal* – All vacation home permits shall expire on December 31st of the calendar year they are issued. The owner of a permitted vacation home may reapply for the next calendar year at any point between October 1st and October 31st. All renewal permits shall be issued by November 15th. The number of permittees that have not submitted an application for renewal by October 31st shall have their permit added to the balance of permits available to new applicants and may apply as a new applicant.

ARTICLE 5: VIOLATIONS AND PENALTIES

Section 5.1: Violations

a. *Violations* – Any violation of the provisions of this Ordinance, or any other applicable local, state, or federal ordinance shall be deemed a violation of this Ordinance. Each day a violation continues shall constitute a separate violation.

b. *Nuisance Per Se* – A violation of this Ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this Ordinance.

c. *Administration* – The Acme Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violations notices and/or civil infraction citations for violations of this Ordinance.

Section 5.2: Penalties

a. *Penalties* – the following penalties shall apply for violating this Ordinance:

1. *Short-Term Rental Without a Permit*

   i. *First Violation* – The first violation shall result in a municipal civil infraction subject to a fine of $500.

   ii. *Second Violation* – The second violation shall result in a municipal civil infraction subject to a fine of $750.

   iii. *Third Violation* – The third violation shall result in a municipal civil infraction subject to a fine of $1,500.

   iv. *Subsequent Violations* – Subsequent violations shall result in municipal civil infraction subject to a fine of $5,000 and/or 90 days in jail.

2. *All Other Violations*

   i. *First Violation* – The first violation shall result in a municipal civil infraction subject to a fine of $250 and the permit shall be suspended for thirty (30) days.

ii. *Second Violation* – The second violation shall result in a municipal civil infraction subject to a fine of $750 and the permit shall be suspended for sixty (60) days.

iii. *Subsequent Violations* – Subsequent violations shall result in a municipal civil infraction subject to a fine of $2250 and may result permit revocation.

b. *Revocation* – The Township may revoke a short-term rental permit for any dwelling unit for the reasons below and through the subsequent procedure:

1. *Requirements for Revocation* – A short-term rental permit may be revoked if at least three (3) separate violation incidents, occurring of three (3) separate days, within a calendar year.

2. *Revocation Procedure* – Upon a determination by the Zoning Administrator that the short-term rental permit of a dwelling is subject to revocation, the following procedure shall be in effect:

i. The Zoning Administrator shall issue a notice to the property owner and local agent, in writing through certified mail, that the Township intends to revoke the short-term rental permit.

ii. The property owner or local agent may request a hearing before the Township Board to show cause as to why the short-term rental permit should not be revoked within fourteen (14) days of service of the notice.

iii. If a hearing is timely requested, then the Zoning Administrator shall inform the property owner and/or local agent, and Township Board of the time and place of the hearing.

iv. The property owner and/or local agent may present evidence at the hearing that the violations of this Ordinance were due to extenuating circumstances. If the Township Board finds the violations to be due to extenuating circumstances, then they may elect to waive the revocation. Otherwise, the revocation of the short-term rental permit shall become effective.

3. *Duration* – Upon revocation of a short-term rental permit, a property owner may not reapply for a new short-term rental permit for the dwelling at that address, or any additional dwellings in Acme Township, for a period of thirty six (36) months.

4. *Subsequent Revocations* – Any property owner who has had a short-term rental permit revoked twice for the same short-term rental shall be permanently prohibited from operating a short-term rental at that location. Furthermore, the property owner shall be prohibited from applying for any additional, new short-term rentals in the Township. If the property owner has other short-term rentals permitted in good standing in the Township at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.

This ordinance originally adopted November 14, 2017, and effective December 16, 2017. This amended ordinance was adopted at a regular Acme Township Board of Trustees Meeting on August 13, 2019. A Notice of Adoption for this ordinance was published in the Record Eagle August 20, 2019 and this ordinance became effective thirty (30) days later on September 19, 2019.

Ayes: 4 Auckerman, Scott, White, Zollinger

Nays: 3 Dye, Jemena, Nelson

Abstain: 0

ACME TOWNSHIP

Jay Zollinger, Supervisor

CERTIFICATION

I, Cathy Dye, being the duly elected and acting Clerk of Acme Township, Grand Traverse County, Michigan, hereby certify that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Acme Township Board of Trustees at a regular meeting held on August 13, 2019, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Cathy Dye, Clerk