

Moran Township  
Mackinac County

Ordinance #61 Short Term Rental Permitting Ordinance

An ordinance amending the Code of Ordinances of Moran Township, Mackinac County, Michigan by adding thereto a new Ordinance #61 entitled "Short-Term Rental Permitting Ordinance" and to prescribe penalties for violations thereof.

The Moran Township Board hereby amends the Code of Ordinances by adding thereto a new Ordinance #61 to read as follows:

**ORDINANCE #61: SHORT TERM RENTAL PERMITTING**

Section 61.01 Purpose

Section 61.02 Definitions

Section 61.03 Permitting Process

Section 61.04 Regulations

Section 61.05 Suspension, Revocation or Denial

Section 61.06 Violations

Section 61.01 Purpose.

The Township Board declares that the rental of dwelling units in Moran Township provides value to the local economy. The Township Board also recognizes the importance of available housing units for full-time residents. The Township Board has enacted this ordinance to strike a regulatory balance between interests of community residents, business owners, visitors, and real property owners wishing to engage in Short-Term Rental of Single-Family Dwellings. This ordinance does not apply to commercial properties that are licensed to operate as a motel and currently doing business as a motel or long-term rental units.

The renting of a home on a short-term basis is substantially more like a business than traditional residential use. The Township has provided regulatory language to help minimize impacts regarding noise, protection of residential tranquility and harmony, occupancy loads, related transient activities when within a residential neighborhood, and protection of public safety and welfare.

## Section 61.02 Definitions

As used in this ordinance, the following words and phrases shall have the meanings hereafter ascribed to them:

Attic. The portion of the building between the pitched roof and the ceiling of the rooms below.

Basement. That portion of a building having more than one-half (1/2) of its height below finished grade.

Bedroom. A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

Building Inspector. The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

Zoning Administrator. The officer or person appointed by the township board charged with the administration and enforcement of short-term rentals or a duly authorized representative.

Dwelling Unit. One (1) or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by not more than one (1) family for cooking, living and sleeping purposes.

Good Neighbor Guidelines. Materials prepared by the Township and Permittee that are to be displayed in a visible location within the short-term rental unit. Materials may contain a summary of critical ordinances, community services and public safety information.

Permittee. A person holding a short-term rental Permit issued under this Moran Township Short Term Rental Permitting Ordinance.

Local Agent. An individual designated to oversee the short-term rental of a dwelling unit and to respond to calls from renters, concerned citizens, and representatives of the Township. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short term rentals. A property owner who meets these criteria may be the local agent.

Plot Plan. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Short Term Rental. The rental of a dwelling unit for compensation for a term of one to twenty-nine (1-29) interrupted or uninterrupted nights in a calendar year.

## Section 61.03 Permitting Process

### 1. General Permit Validity.

- A. All short-term rentals shall be permitted with the Township as stipulated in this ordinance. If multiple short-term rentals are located on one property, each short-term rental shall require a separate Permit.
- B. Short term rentals in operation prior to the adoption of this ordinance shall register for a short-term rental permit through the Township Zoning Administrator within two (2) months of the effective date of this ordinance and shall be subject to compliance with all requirements of this ordinance.

- C. A Short-term rental permit may not be transferred from one dwelling unit to another dwelling unit, nor may it be transferred to a new owner of the property if the property is sold, conveyed or transferred.
  - D. Short-term permits shall expire after twelve (12) months of non-activity.
  - E. The Township Board shall set short-term rental registration fees and annual permit renewal fees by an approved motion of said Board, which may vary depending on the type of property, dwelling, or other distinction the Township Board may deem advisable.
2. Application. The Township Zoning Administrator shall develop the application form(s) to properly carry out this ordinance. The Township Zoning Administrator shall be paid at an hourly rate as approved by the Township Board for all his/her/their work concerning this ordinance. Short term rental applicants must complete and submit the application(s), provide any required supplemental information, and pay the associated fee to be considered a valid application for processing by the Township.
- A. At a minimum, the permit application form shall require the submittal of the following information:
    - i. Name, address, property or parcel number and telephone number of the property owner and local agent for the short-term rental unit.
    - ii. The street address of the short-term rental, along with other identification if more than one dwelling unit has the same street address.
    - iii. The number of bedrooms in each short-term rental and in the dwelling as a whole, including floor plans of the entire building. Sketch drawings legible by the Township Zoning Administrator may be accepted.
    - iv. The number of days the dwelling unit is expected to be available for short term rental each calendar year.
    - v. Proof of the applicant's liability insurance, unless insurance is provided by an online marketplace for vacation rentals, such as Airbnb, Vrbo, etc.
    - vi. A statement certifying that the property owner or a local agent will provide at least one (1) copy of the Good Neighbor Guidelines as approved by the Township to the renters each time the dwelling unit is rented.
    - vii. A statement indicating which year the dwelling unit was first used as a short-term rental.
    - viii. A plot plan showing the location of the short-term rental unit, sufficient parking, outdoor seating areas (if applicable) and any other structures on the property.
    - ix. Documentation showing the owner's valid tenancy, ownership, or other legal interest in the proposed short-term rental premises, which may include, but is not necessarily limited to, a deed, land contract, or lease agreement. If the owner possesses less than fee ownership in the proposed short-term rental premises, a notarized affidavit from the owner of such premises authorizing the use of the same for a short-term rental must also be included.
3. Review Inspection. Prior to the issuance of a permit, the Zoning Administrator, Building Inspector or designee shall conduct an initial inspection of the proposed short-term rental to determine compliance with the standards herein and all applicable zoning, building, health and safety

codes. A permit shall not be issued without a satisfactory determination by the Zoning Administrator. Based on the findings of the initial inspection, the Zoning Administrator may also require follow-up inspections to ensure compliance with applicable zoning, building, health and safety codes.

4. Approval and Issuance. After inspection, and upon determination that a short-term rental applicant has met all requirements of applicable ordinances and regulations, a permit shall be issued by the Township Zoning Administrator.
5. Permit Period and Renewal. Permits are approved for a two-year period. The permit period shall begin April 1st and shall end at midnight on March 31st of the second year. No permit will be issued until the required registration fee is paid. All active permits shall expire at midnight on March 31st of the second year unless a complete Permit renewal application and renewal fee is received by the Township Zoning Administrator.
  - A. The Township Zoning Administrator shall review renewal applications. A renewal shall be granted upon determination that the following standards are met:
    - i. Completion of the renewal application and payment of the associated renewal fee.
    - ii. Continued compliance with the provisions of this ordinance.
6. Number of Permits.
  - A. The Township Board shall, by an approved motion, establish a maximum limit on the total number of short-term rental permits that may be approved pursuant to this ordinance. Such limit shall be consistent with the purpose and objectives of this ordinance as set forth herein.
  - B. Short term rental permits shall be processed and approved on a first come, first serve basis, based on the date and time the application for a short-term rental permit is submitted to the Township Zoning Administrator and associated application fee is paid. An incomplete application for a short-term rental permit shall not lose its priority for approval unless the applicant fails to correct any deficiencies within fourteen (14) calendar days after being notified of such deficiencies by the Township Zoning Administrator.
  - C. Permittees who have a valid permit and are in good standing with the Township shall have first priority in receiving a renewal permit.
  - D. Once the total number of short-term rental permits issued pursuant to this ordinance reaches the maximum limit established by the Township Board, the Township Zoning Administrator shall not accept or approve any additional applications for short term rental permits until an existing permit expires or is revoked, or voided, thus creating an available permit.
  - E. The Township Board shall provide the public with the number of short-term rentals permits available and the process for receiving and approving applications for the same once the number of active short term rental permits falls below the maximum limit established by the Township Board. This information shall be available on our township website or upon request to the township offices.
  - F. The Township Board may review and amend the maximum limit on short-term rental permits and may adjust the limit as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a permit previously issued.

Section 61.04 Regulations.

1. Compliance with Codes. The short-term rental must meet all applicable zoning ordinance, building, health and safety codes to protect the safety of occupants. Legal non-conforming lots and structures are not prohibited for use as short term rentals provided all requirements of this ordinance are met.
2. Sleeping Accommodations. All lodging and sleeping accommodations are to be exclusively within the dwelling unit and not in a recreational vehicle, boat, camper, or tent.
3. Local Agent. Each short-term rental shall have a designated local agent, as defined in this ordinance.
4. Attics and Basements. No attic or basement can be counted for the purpose of determining the maximum number of occupants in a short-term rental, unless the attic or basement has adequate egress as required by the Michigan Construction Code, Michigan Residential Code and applicable Fire Codes.
5. Maximum Occupancy. The following occupancy requirements shall apply:
  - A. The maximum occupancy of a short-term rental shall not exceed two (2) occupants per bedroom plus two (2) additional occupants per finished story (excluding children under age 12), which meets the applicable egress requirements for occupancy in the Michigan Construction Code, subject to any other local, state, or federal requirements.
  - B. In addition to the maximum occupancy specified in subsection (1) above, a short-term rental may have a total number of people on site, including occupants and day-time guests (allowed to be present at most from sunrise to sunset), up to 1.5 times the maximum number of occupants allowed by subsection (1) above.
6. Exterior Appearance. There shall be no exterior alterations to the dwelling that are not customary for other principal single-family residences in the Township. The short-term rental shall not change the essential character of the surrounding area and not disrupt the orderly and proper development of the area. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the approving body for review which demonstrate the following:
  - A. The addition is compatible in style and design with the original structure.
  - B. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future if the owner chooses to terminate the use of the dwelling as a short-term rental.
7. Nuisances. The proposed short-term rental shall not cause a nuisance to adjoining residences due to noise, odor, lighting, fireworks or traffic. The short-term rental shall comply with all State and County safety and fire regulations.
8. Sewage Disposal. The applicant shall upon request by the Zoning Administrator submit proof of the Mackinac County Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use. The septic tank must be pumped a minimum of every three years.

9. Safety. Short term rentals shall follow the following safety requirements:
  - A. Every short-term rental shall contain a functional smoke detector, carbon monoxide detector and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
  - B. The address of the premises must be prominently displayed on the roadway, as well as, inside the main area of the short-term rental and one additional location in the case of an emergency.
10. Good Neighbor Guidelines. Good neighbor guidelines must be prepared by the short-term rental owner or agent and clearly displayed within the short-term rental. Good neighbor guidelines materials may contain a summary of critical ordinances, trash and other useful utility data and safety information, including:
  - A. Name and contact information of local agent and/or property owner and secondary emergency contact.
  - B. Address of short-term rental.
  - C. Summary of ordinances and applicable penalties.
  - D. Reminder of operating guidelines regarding refuse and recycling collection, noise, fireworks, etc. to avoid any nuisance to neighboring properties.
  - E. Emergency services contact information.
  - F. Evacuation procedures.
11. Signage. Signage for the short-term rental units shall be limited to one (1) non-illuminated wall-mounted sign not to exceed four (4) square feet in area per rental units, as well as, one (1) sign on the roadway not to exceed two (2) square feet in area for each property address.

#### Section 61.05 Permit Suspension, Revocation or Renewal Denial

1. Once a permit has been issued, it may be revoked, suspended or not renewed by the Township Zoning Administrator. Reasons for revoking, suspending or denying the renewal of a permit include, but are not limited to:
  - A. Failure to comply with the provisions of this ordinance or any other rules or regulations promulgated by the Township.
  - B. Maintenance of a nuisance on the premises.
  - C. Nonpayment of real and/or personal property taxes, fines, liens, renewal fees, or any other fees owed to the Township.
  - D. A demonstrated history of excessive calls for public safety (police, fire, and ambulance).
  - E. Evidence that the applicant has made or provided false information in the application or has otherwise become disqualified for the issuance of a short-term rental permit in accordance with the procedures for issuing a permit.

2. Upon such revocation, suspension, or denial of renewal, the Township Zoning Administrator shall provide written notice to the permit holder by personal service or first-class mail at the address listed in the application stating the reasons. Immediately upon such notice, the permit shall become null and void.
3. A Permittee whose permit is suspended or revoked or whose renewal has been denied may appeal to the Township Board by filing a written notice of appeal with the Township Zoning Administrator within fourteen (14) days after the date of the written notice of revocation, suspension, or denial of renewal was issued. The Township Board shall hear and determine the appeal and its decision shall be final. Standards for approving an appeal are as follows:
  - A. The decision was arbitrary or capricious.
  - B. The decision was based on an erroneous finding of a material fact.
  - C. The decision constituted an abuse of discretion.
  - D. The decision was based on erroneous interpretation of the applicable Ordinances or regulation.
4. It shall be unlawful for any person to operate a short-term rental while the permit is suspended, revoked, or otherwise not in effect.

#### Section 61.06 Violations

Any violation of this ordinance, including the continued operation of a short-term rental after the permit for that short term rental has been suspended or revoked as provided in this ordinance, is hereby declared to be a nuisance per se and is subject to enforcement in accordance with the procedures and penalties of the Moran Township Zoning Ordinance, Section 23.05 which states:

“Any person who fails to correct a violation of any provision of this Ordinance within fourteen (14) days shall be guilty of a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars (\$500). Each day this Ordinance is violated shall be considered as a separate violation. 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.”

Further, any violation of any other ordinance under the Moran Township Code of Ordinances, including but in no way limited to Moran Township Ordinance #27 & #27A resulting in a civil infraction is subject to the possibility of the short-term rental permit being revoked, suspended, or a denial of any future renewal.

#### SECTION 2 Severability & Conflict

1. Severability. This Ordinance and its various articles, paragraphs and clauses are hereby declared to be severable. If any article, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.
2. Conflict. If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute, that part shall not be enforced.

SECTION 3 Effective Date

The amendatory ordinance shall take effect upon the expiration of thirty (30) days after the publication of the notice of adoption.

CERTIFICATION

The foregoing Ordinance is hereby certified...


I, Kristine R. Vallier, Clerk for Moran Township, hereby certify that the foregoing is a true and correct copy of Ordinance #61 of Moran Township, adopted at a meeting of the Moran Township Board held on, May 1, 2024.

I further certify that on, May 8, 2024, I caused notice of such adoption to be published in the St. Ignace News, a newspaper circulated in Moran Township, and that said Ordinance and the record of publication was duly recorded and is available for public use and inspection at the Township Hall, W1362 US-2, St. Ignace, Michigan, 49781.

Adopted by Township Board: May 1, 2024

Published: May 8, 2024      Effective: June 8, 2024

IN WITNESS WHEREOF, I have my official signature on: May 1, 2024.

  
Township Clerk