

TOWNSHIP OF GREEN LAKE
GRAND TRAVERSE COUNTY, MICHIGAN

ORDINANCE NO. 07122021.2

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Green Lake Township by requiring the registration and licensure of short-term rentals within the Township. 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.

GREEN LAKE TOWNSHIP HEREBY ORDAINS:

1) DEFINITIONS

- a) **Caretaker** – A caretaker is an individual, other than the license holder, who is responsible for the oversight and care of the short-term rental.
- b) **License** – A license is an annual short-term rental license duly issued by Green Lake Township.
- c) **License Holder** – The owner or authorized agent of the property, who applies for and receives a short-term license.
- d) **Renter** – As used in this Ordinance, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term “renter” as used herein does not include guests of the occupant or renter who are visiting between the hours of 7:00 am and 11:00 pm.
- e) **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.

2) LICENSE REQUIRED

An owner of any dwelling unit located anywhere within Green Lake Township 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 Township Zoning Administrator or other authorized personnel is required prior to the rental of any dwelling for a period of less than 30 days.

- a) A license shall be valid for a period of 1 year or until a change in ownership.
- 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 complete application.
- d) The license shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in this Ordinance.
- e) A license and license holder shall be subject to all of 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 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 Township 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) Owner phone number
- d) Signature(s) of property owner(s) and caretaker
- e) Number of bedrooms in the dwelling.
- f) Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker.
- g) A site plan indicating location of and number of parking spaces.
- h) Current Septic and Well Status Report.
- i) This information must be kept up to date in the Township's records.

- j) It is the license holder's responsibility to inform the Township of any change in license or contact information for the license holder or caretaker.

4) STANDARDS

- a) **Parking.** No on-street parking of any motor vehicles or any trailered vehicles (including by way of example but not limited to boats, jet skis, trailers and snowmobiles) on any public or private roadways shall be permitted in association with a short-term rental. For purposes of this Ordinance, "roadway" includes the pavement, gravel road, shoulder, grass and full road easement or right-of-way.
- b) **Trash.** Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler weekly or taken to an appropriate disposal location.
- c) **Capacity Limit.** The maximum number of renters to be accommodated shall be equal to two people per bedroom as the septic system is designed and permitted to accommodate.
- d) All applicable local, state and federal laws, rules, regulations and ordinances shall not be violated.

5) SEPTIC AND WELL STATUS REPORT

A Septic and Well Status Report shall include the following:

- a) The Septic and Well Status Report from the Grand Traverse County Health Department, which must be dated no more than 90-days prior to the date of the Application, shall clearly indicate the number of bedrooms the system was designed and permitted for. A short-term rental's capacity shall be based on the number of bedrooms approved on the health department permit issued for such property. The report shall also indicate the septic and well systems meet all current standards of the Grand Traverse County Health Department's Environmental Health Regulations and the system is in good operational status.
- b) In the event that there is no septic disposal permit on file with the Grand Traverse County Health Department, the Septic and Well Status Report shall include a determination by the Grand Traverse County Health Department of the number of bedrooms the on-site septic system can accommodate and that the system meets all current standards of the Grand Traverse County Health Department's Environmental Health Regulations and the system is in good operational status.

- c) If a septic system malfunction occurs, short-term rental of the property shall be immediately discontinued and the Township notified of the malfunction. The use of the property as a short-term rental shall not resume until the malfunction is corrected in accordance with Grand Traverse County Health Department requirements and verification provided to the Township of same.
- d) In the event that there is no septic disposal permit on file with the Grand Traverse County Health Department and the owner of a proposed short-term rental intends to replace the on-site septic disposal system in order to conduct a short-term rental, the Township may issue a short-term rental license for the calendar year only, subject to all of the following:
 - i. A current Septic and Well Status Report as defined in this ordinance will be used to determine the number of bedrooms the on-site septic system can accommodate provided that the inspector has made a conclusion finding that the system meets all current standards of the Grand Traverse County Health Department's Environmental Health Regulations and is in good operational status.
 - ii. The applicant provides a copy of a current permit issued by the Grand Traverse County Health Department for replacement or upgrade of the on-site septic disposal system to meet all current standards

6) EMERGENCY RESPONSE

The license holder or a caretaker representing the property owner must be available by telephone at all times 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.

7) REMEDY

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 a caretaker shall resolve the issue immediately. Issues of a 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.

8) LICENSE

- a) The unique short-term rental license number issued by the Township 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 Grand Traverse County Street and Road Numbering Ordinance and clearly visible from the street.
- c) Quiet Hours. Short-term rentals shall observe quiet hours between 11:00 pm and 7:00 am.
- d) Pets. Pets shall be secured on the premises or on a leash at all times.
- e) Campfires. Any campfires at a short-term rental property shall:
 - i) Be contained within a fire ring or other comparable container
 - ii) Be located no less than 10 feet from any structure or any combustible material and be located away from overhanging tree branches.
 - iii) Be under the direct supervision of an adult at all times.
 - iv) Be fully extinguished prior to leaving the fire.

9) APPLICABLE RULES

The license holder or caretaker shall provide written notification to an occupant and/or a guest, of all of the rules and that an occupant may be cited for a violation of this ordinance, the Township Noise Ordinance and/or the Township Fireworks Ordinance, as amended, in addition to any other remedies available to the Township.

10) SUSPENSIONS AND REVOCATION OF LICENSE

- a) Violation notice. If the Green Lake Township Ordinance Enforcement Officer has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements or that the short-term rental no longer complies with the standards contained in this ordinance, then the Green Lake Township Ordinance Enforcement Officer may, but is not required to, prepare or cause to be prepared a written notice of suspension or revocation, as the case may be based on subsection (e) below.
- b) Service of notice. The written notice, along with the time, date, and place of the hearing before the Green Lake Township Board, shall be served on the license holder either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.

- c) Violation hearing. If such a violation notice is prepared and served, the Township Board shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this ordinance should be reinstated. At the hearing before the Township Board the license holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The license holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder.
- d) Subsequent violations. After a short-term rental license has been suspended, any additional violation(s) committed by the license holder within two (2) years of the expiration 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 license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental license holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Township Board may permanently revoke the short-term rental license.
- e) Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately.
 - i) First suspension – six (6) months.
 - ii) Second suspension – twelve (12) months.
 - iii) Revocation – permanent.
- f) 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.

11) VIOLATIONS

- a) Violations. Any of the following will be considered a violation of this Ordinance:
 - i) Failure to update information with the Township such as the caretaker's or owner's contact information in a timely manner.
 - ii) Advertising a short-term rental for a capacity in excess of that allowed under the license issued by the Township.

- iii) Failure of the license 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 license.
 - v) Failure to obtain a short-term rental license when operating a short-term rental.
 - vi) Failure to comply with any of the standards under this Ordinance.
- b) Any person, license holder, or caretaker who violates any provision of this Ordinance, including above, shall be subject to the following:
- i) First violation = \$500 fine
 - ii) Each subsequent offense = Misdemeanor

The foregoing sanctions are in addition to the Township's right to seek other appropriate and proper remedies, including actions in law or equity.

12) ENFORCEMENT OFFICIAL.

The township ordinance enforcement officer is hereby designated as the authorized official to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

13) ACTION

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.

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 January 1, 2022, after its publication in the manner provided by law.

THE ORDINANCE WAS DECLARED ADOPTED.

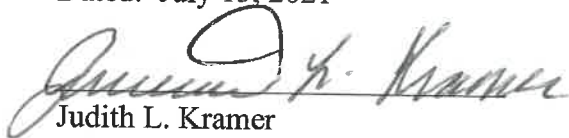
GREEN LAKE TOWNSHIP

BY: 
MR, Supervisor

CLERK'S CERTIFICATE

I, the undersigned, the Clerk of the Township of Green Lake, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Green Lake Township Board of said municipality at its regular meeting held on the 12th day of July, 2021, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: July 13, 2021


Judith L. Kramer

Green Lake Township Clerk

A notice of adoption has to be published in the paper as well. Full or summary

Published date: July 15, 2021

Effective date: January 1, 2022