

**BOIS BLANC TOWNSHIP
MACKINAC COUNTY, MICHIGAN
SHORT TERM RENTAL ORDINANCE**

An ordinance to permit and regulate residential short term rental properties within Bois Blanc Township and to create a procedure for the procurement of such Use Permits; to create certain conditions for the issuance of the permit relating to its proximity to other rentals, to create restrictions on the transfer of the permit, to the revocation of the permit for non-compliance with this ordinance; to exempt Bed & Breakfast, hotel & motels with daily rentals from registration and licensing under this ordinance; to provide a procedure for existing residential short-term rentals to be 'Grandfathered' and given preference over new applications; to provide penalties for the violation thereof and to repeal all ordinance or parts of ordinances in conflict herewith.

BOIS BLANC TOWNSHIP ORDAINS:

Section 1 – Purpose

- A. Bois Blanc Township recognizes that residential short-term rentals (STR) are a growing enterprise on the island as well as all tourist destinations in Michigan. STR's provide positive benefits to their owners, the tourists that use them and the local businesses that support those tourists, among others. However, STR's can also be disruptive to residential areas, where the use of the home takes on a more transitory and commercial character akin to a motel.

- B. Bois Blanc Township desires to protect and preserve the community character of Bois Blanc Island. Bois Blanc Township has an obligation to year-round residents, seasonal residents, visitors and tourists that this enterprise of short-term rentals of individual homes is conducted in a safe and coordinated manner that insures the public health, safety and welfare.

Section 2 – Definitions

Bedroom - a bedroom is defined as a room including a loft that is used or intended to be used specifically for sleeping purposes, is not located in an attic or basement without egress, meeting all standards in applicable building, residential and fire codes, and not a room by design to serve another purpose such as a kitchen, dining area, den, family room or living rooms, except as allowed in section 3, paragraph B.

Bathroom – a room containing a water closet, a sink, and a bathtub or shower.

Camping – overnight sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including a tent, tent trailer, motorhome, travel trailer, pop-up or truck mounted trailer, recreational vehicle, camper van, or other shelter used for temporary living.

Capacity – rental capacity is the number overnight occupants permitted under the regulations of Section 3 paragraph B of this ordinance and is listed on the STR permit issued by the Township Clerk.

Occupancy – the purpose for which a dwelling unit or portion thereof is utilized or occupied.

Occupant – any individual living or sleeping in a dwelling unit or having possession of a space in a dwelling unit. ‘Occupant’ does not include guests visiting a dwelling unit between the hours of 8:00 a.m. and 11:00 p.m.

Owner – the person who or entity that holds legal title or equitable title to the dwelling unit (or portion thereof).

Operator – any person who owns or has charge, care or control of a dwelling unit which is offered as a short-term rental.

Parcel – a continuous area or acreage of land under common ownership and identified as such on the tax assessment roll. Each separate assessed property is a separate ‘parcel’. ‘Parcel’ includes a single condominium unit.

Short Term Rental – a rental of any dwelling or condominium, in whole or in part, in exchange for a charge, to any person(s) for transient use, other than (1) a permitted Bed& Breakfast or hotel, (2) ongoing month-to-month tenancy granted to the same renter at the same dwelling, (3) renting less than 14 days per year.

Enforcement Official - the Township Zoning Administrator, Planning Commission Chairman, Township Supervisor, Fire Chief, any police officer, or any person officially authorized by the Bois Blanc Township Board are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this ordinance.

Section 3 – Short Term (Residential) Operations and Regulations.

- A. This ordinance will apply to all residential dwellings up to and including four (4) bedrooms. All other structures intended to generate income, such as RV's parked on a lot, campgrounds and RV parks, overflow or guest houses, any facility without approved waste and water facilities, will not receive a permit under this ordinance.
- B. The maximum number of overnight occupants shall be limited as follows: multiply the total number of bedrooms approved for rental in the dwelling by two. Note: a maximum of four (4) children under the age of sixteen (16) shall not be counted in the capacity limit of the rental dwelling. A three (3) bedroom dwelling could have a maximum of six (6) occupants and up to four (4) additional children under the age of sixteen.
- C. The owner/operator of the dwelling shall ensure that a properly sized and functioning septic system is maintained. Failure or operational deficiency of the sewage waste disposal system shall be grounds for revocation of the license authorizing short term rental of the dwelling. Porta-Jon's and similar methods of handling waste are prohibited on STR properties.
- D. Permit required. No person shall permit, allow, or offer a dwelling unit to be used as a short term rental nor enter into a short term rental agreement concerning a dwelling unit within the Bois Blanc Township without first obtaining a use permit from the Township pursuant to the requirements of this Ordinance.
- E. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time.
- F. Special events (a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity), are not allowed on the property for more than the number of occupants and guests permitted in the dwelling unit under this ordinance.
- G. There will be a buffer zone of 1000 ft. between STR's.
- H. Existing residential short-term rentals as of the date this ordinance is adopted by the Township Board, will be exempt from the buffer zone requirement of item G. Additionally, the first full rental season after ordinance adoption will be devoted to processing and issuing permits for the established STR's. The Enforcement Officer will verify applicant's information, including notification by mail of next-door neighbors that an application for an STR license has been submitted.

- I. Application and fee requirements. An operator seeking a permit under this Ordinance shall submit a complete application to the Township Clerk, or his or designee and pay required fee, which shall be determined from time to time by resolution of the Township Board. The fee schedule adopted by the Township Board may include an enhanced fee for dwelling units found to have been operating as unpermitted short-term rentals in violation of this ordinance. The Enforcement Officer will complete the verification process and notify owner/operator by mail No Later Than 30 days from receiving completed application from the Township Clerk. The Township Board may approve the form and content of the application by resolution.
- J. The Township Treasurer will confirm to the Clerk that all taxes are paid and up to date; a use permit will not be approved for anyone in arrears.
- K. All applications will require Proof of Insurance for Comprehensive General Liability in the amount of \$1 million per occurrence, with notification of cancelation or change to be reported to the Clerk. Failure to keep insurance current will result in revocation of permit (section 5, A4).

Section 4 - Standards of approval.

The Enforcement Officer or their designee shall approve, or approve with conditions, an application for STR rental permit only upon finding that the dwelling unit complies with all the following applicable standards:

1) Parking. The property owner shall designate to guests the location(s) of legal parking spaces for all STR's.

2) Fire Safety and Emergency Access.

a) Smoke alarms. Smoke detectors/alarms shall be installed in each rental unit. All smoke detectors/alarms shall be UL (Underwriter's Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the National Fire Protection Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.A. Smoke Detectors/alarms shall be installed in the following locations:

1) In each bedroom or sleeping room.

2) Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

3) On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabited attics. In rental units with split

levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

b) Bedroom and Sleeping Room Emergency Window access.

1) Every bedroom and sleeping room have a window meeting current fire code and/or building code standards for ingress and egress in an emergency.

2) No bedroom or sleeping room shall be in a basement unless the basement meets current code requirements for ceiling height and contains a doorway open to the outside or contains a window meeting ingress and egress standards.

c) Fire extinguishers. An operable fire extinguisher shall be located at an exit door on every floor level including the basement, and in the kitchen area.

d) A propane detector/alarm where propane is used for heating, cooking, etc.

3) Designated representative: The operator of an STR shall identify a designated representative as a contact person. Said designated operator must be available during the rental period.

4) Zoning Compliance. No person shall be granted a short-term rental permit unless the dwelling follows Bois Blanc Township Zoning Ordinance.

5) Variance requests related to STR's in residential zoned districts shall be directed to the Planning Commission for review.

Section 5 - Licensing.

1) Duration. A short-term Rental Use Permit (license) shall be valid for the year such permit was obtained (June 1 – May 31). All applications to renew a Short-Term Rental permit shall be submitted to the Township Clerk no sooner than 90 days before expiration and no later than 30 days before expiration. If a permit is not renewed within 30 days of expiration, and another application for a permit is submitted within 1000 feet of the of the previous permit, the new application will be processed and the existing home will essentially forfeit their use permit.

2) Transferability. A short-term rental use permit may not be transferred from one dwelling unit to another dwelling unit.

3) Ownership transfer of permit. A short-term Rental Use Permit may not be transferred to any third party except heirs and assigns, and the license shall be void upon transfer of the property where the STR use is located. Upon change of ownership, the new owner must apply for a new STR Use Permit for STR Use activity to be authorized.

4) The Township will make available to the public the information shown on the STR Rental Use permit.

5) Display. The STR Use Permit shall be displayed within the dwelling unit and contain the following information:

a) Designated Representative Information. The name of the contact person, and a telephone number at which they may be reached on a twenty-four-hour basis.

b) Maximum number of occupants. The permit shall display the maximum number of occupants permitted at a dwelling unit. No person allows or permits a dwelling unit to exceed the maximum number of occupants stated on the permit.

c) No paying guest shall camp or allow any person to camp on the land upon which an STR is located. This prohibition includes the occupation of tents , bivy sacks, campers, trailer coaches, camper trailers, vehicles, recreational vehicles, travel trailers, camping unit, or any other temporary shelter located on the land upon which an STR is located pursuant to a permit issued under this ordinance.

d) Notification that an occupant may be cited or fined by the Township or Mackinac County Sheriff, in addition to any other remedies available at law, for violating any provisions of this and other applicable Ordinances.

6) Guest information. When the property owner is not present during STR use, the following information is to be provided to guests:

a) Emergency egress information for the dwelling unit.

b) Applicable campfire regulations, and restrictions.

c) Requirements for trash disposal.

d) Emergency Fire, Medical and Police.

e) Island ordinances concerning noise restrictions, ATV use on island roads, parks, fishing, etc.

Section 6 - Nuisance.

A violation of this ordinance is hereby declared to be a public nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare. All violations of this ordinance shall be abated by a court of competent jurisdiction.

Section 7 - Violations; Revocation of Use Permit.

A. Violations – any of the following will be considered a violation of this ordinance:

- 1) Providing false or misleading information on the application for an STR permit.
- 2) Advertise an STR for a capacity more than that allowed under the permit issued by the township.
- 3) Failure to obtain an STR permit when opening an STR.
- 4) Failure to comply with any of the regulations under sections 3 & 4.

- B. Revocation. An STR permit may be revoked following three (3) separate violations on the same property under the same ownership within any single calendar year.

Section 8 – Revocation Procedure

A. Upon determination by the Enforcement Officer of a violation of this ordinance, the Enforcement Official shall immediately owner/operator with a certified letter of notice. Owner/operator will have seven (7) days to eliminate the violation without intervention by the Township.

B) If the owner/operator of any property on which a violation of this ordinance exists fails to eliminate the violation within seven (7) days after service of the written notice from the Enforcement Officer, the Township Clerk shall issue a notice via first class mail to the owner/operator that the Township intends to revoke the permit. The property owner/operator may within thirty (30) days from the date the written notice was sent request a hearing before the Zoning Board of Appeals to show cause as to why the STR permit should not be revoked. The ZBA may, at its discretion, reverse the determination of the Enforcement Official to revoke the permit by a majority vote.

C) Duration of revocation. No permit shall be issued to an operator or designated representative for a period of thirty-six (36) months following the revocation of a permit pursuant to this ordinance.

Section 9 – Civil action. In addition to enforcing this Ordinance through the use of a civil infraction proceeding, the Township may initiate proceedings in the 92nd District Court for the County of Mackinac to abate or eliminate the nuisance per se or any other violation of this Ordinance. Any person determined by the Circuit Court to have violated this ordinance shall be responsible for all costs, including actual attorney fees, incurred by the Township in the enforcement of this Ordinance. Such costs of enforcement shall constitute a lien against the parcel upon which the dwelling unit is located, and the Township Treasurer shall certify the costs of enforcement to the Tax Assessor or other responsible official, who shall place the same on the next tax roll. The costs of enforcement so assessed shall be collected in the same manner as general Township taxes.

Section 10 – Severability. If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not effect the remainder of the Ordinance, which shall be given effect without the invalid portion of the application.

Section 11 – Effective Date. This ordinance shall be come effective ninety (90) days after notice of adoption is published in a newspaper of general circulation within the Township.

Revision 4

July, 6 2020