

CITY OF EAST TAWAS MICHIGAN
COUNTY OF IOSCO, STATE OF MICHIGAN
ORDINANCE NO. 359

ADOPTED: December 5, 2022
EFFECTIVE: December 26, 2022

AN ORDINANCE to provide regulations and requirements for Short Term Rentals within the City of East Tawas and amend Chapter 6 - Buildings and Building Regulations of the City of East Tawas Code of Ordinances, Ordinance No. 343 adopted on May 10, 2013, by adding Article IV. Short Term Rentals.

Chapter 6 - BUILDINGS AND BUILDING REGULATIONS

Article IV – Short Term Rental ----

DIVISION 1 - INTRODUCTION

Sec. 6-130. – Title.

This Ordinance shall be known as the City of East Tawas Short-Term Rental Ordinance, referenced within as “Ordinance”.

Sec. 6-131. – Findings.

The City of East Tawas, City Council declares the following findings:

- (a) The City has concerns of potential complaints involving excessive noise, litter, disorderly conduct, overcrowding, traffic, congestion, parking, and safety associated with short-term rentals.
- (b) The transitory nature of short-term rentals renders 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 City desires to preserve and maintain the residential character of the community and quality of life for all residents.
- (e) Maintaining a specific number of allowed permits promotes the use of short-term rentals without limiting housing for permanent residents.
- (f) The provisions of this Ordinance are necessary to prevent a burden upon City administrative services and impacts on residents posed by short-term rentals.

Sec. 6-132. – Purpose.

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of the City of East Tawas by requiring the registration and permitting of short-term rental of single-family and multi-family dwelling units.

Sec. 6-133. – 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 City, including the East Tawas 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.

Sec. 6-134. – Definitions.

Bedroom means 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 room or living room.

Dwelling Unit means a building designed and built-in accordance with the current state construction code or used exclusively as a living quarters for one or more families, but not including a unit mounted on a chassis, tents or portable buildings.

Dwelling, Duplex means a two-family dwelling structure designed exclusively for occupancy by two families independent of each other, such as a duplex dwelling unit.

Dwelling, Multi-Family, means a dwelling structure, or portion thereof, designed for occupancy by two or more families living independently of each other.

Dwelling, Single-Family means a dwelling structure designed exclusively for occupancy by one family.

Extenuating Circumstances means conditions under which a violation of this Ordinance has occurred that may include violations 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 means a document prepared by the City of East Tawas Zoning Administrator that includes references to:

- (a) A summary of the following City of East Tawas Code of Ordinances and all applicable penalties including, but not limited to:

- (1) Offenses, Chapter 20
 - (2) Nuisances, Chapter 12
 - (3) Noise Ordinance, Chapter 44
 - (4) Other applicable ordinances of the City of East Tawas
- (b) A reminder that the short-term rental may be operating in a residential neighborhood and that the neighbors may not be vacationing.
 - (c) A statement informing the occupant(s) that neighboring property owners may contact the local agent, police department, or City designee to report any issues relating to the property.

Local Agent means 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 City, 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 means 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 means the person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

Parking Space means 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-way.

Recreational vehicles mean the following:

- a) *Boats and boat trailers* means and include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- b) *Folding tent trailer* means a canvas folding structure mounted on wheels and designed for travel and vacation use.
- c) *Motor home* means a recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place-to-place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- d) *Other recreational equipment* means and includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

- e) *Pickup camper* means a structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- f) *Travel trailer* means a portable vehicle on a chassis, not exceeding 36 feet in length or nine feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a “travel trailer” by the manufacturer, travel trailers generally contain sanitary, water, and electrical facilities.

Short-Term Rental means 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 means outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, or other similar gatherings that exceed the maximum number of occupants allowed.

Sec. 6-135. – 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.

DIVISION 2. - GENERAL STANDARDS

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

Sec. 6-140. – Permit.

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

- (a) Be valid for one year from the date issued,
- (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. The new owner shall apply as a new applicant,
- (e) Be displayed inside the front door, or in a prominent location not more than five (5) feet from the front door, measured from the edge of the door frame,
- (f) Display the maximum number of occupants allowed,
- (g) Display the contact information for the local agent and the City of East Tawas, or City 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.

Sec. 6-141. - 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 childcare 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.

Sec. 6-142. - 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.

Sec. 6-143. - Good Visitor Guidelines.

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

Sec. 6-144. - Refuse.

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

- (a) Each residential property is provided one 95-gallon tote for refuse disposal through the City's refuse contract. Due to a short-term rental being considered commercial in nature any additional refuse collection needs will be the responsibility of the property owner to contract disposal from a waste hauler.
- (b) All refuse shall be stored in a container with a tight-fitting lid approved by the waste hauler.
- (c) Refuse containers shall be placed in front of the premise for pick up only on the day designated by the waste hauler.

Sec. 6-145. – 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.

Sec. 6-146. – Wastewater.

The owner shall maintain a properly functioning sewer connection per the City of East Tawas Public Works Department requirements.

Sec. 6-147. – Parking.

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

Sec. 6-148. – Fireworks.

The use of fireworks in the City of East Tawas is regulated by the Michigan Fireworks Safety Act (PA 256 of 2011, as amended).

Sec. 6-149. – Noise.

No person within the City 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) Other noise regulations as governed by Sec. 44-427 of the Code of Ordinances.

Sec. 6-150. – Signage.

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

Sec. 6-151. – Events.

Special events are not permitted.

Sec. 6-152. - Recreational Vehicles.

Recreational vehicles shall not be used on the property for owner's housing or for short-term rental occupants.

Sec. 6-153. - Fire Safety.

All short-term rental operations shall meet the necessary safety standards established by the City of East Tawas and the State Construction Code, including but not limited to smoke detectors, carbon monoxide detectors and fire extinguishers.

Sec. 6-154. - Allowable Locations.

Short-term rentals are considered a permitted use in Highway Services Commercial (HSC), Waterfront (WF) and the Central Business District (CBD). They are considered a special use in Multifamily Residential (MFR), Medium Density Residential (MDR), High Density Residential (HDR) and Tawas Lake Waterfront Residential District (TLWFR), Office Service Commercial (OSC) and are not allowed in Low Density Residential (LDR), Industrial (I), and Light Industrial (LI).

Sec. 6-155. - Maximum Occupancy.

The maximum allowed occupancy of a short-term rental shall not exceed the lesser of:

- (a) Two (2) occupants per bedroom plus two (2) additional occupants.
- (b) For parcels under one (1) acre in size the occupancy shall not exceed twelve (12) occupants.
- (c) For parcels greater than one (1) acre shall not exceed sixteen (16) occupants.

The property owner shall inform the City of any renovations or additions to the short-term rental that will result in an increase in the maximum occupancy.

Sec. 6-156. – Application.

- (a) Responsibility – It shall be the responsibility of the owner of a short-term rental to register the operation and obtain a permit from the City.
- (b) Application – The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the City:
 - (1) Name, address, telephone number, and email of the owner of the short-term rental,
 - (2) Name, address, telephone number, and email of the designated local agent,
 - (3) The number of bedrooms in the short-term rental intended to be used by occupants,
 - (4) A description of the property that states the size and number of bedrooms,
 - (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 short-term rental permit under this Ordinance shall be accompanied by a fee in the amount established by resolution of the City of East Tawas City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Zoning Administrator.
- (d) Number of Special Land Use Permits – The number of short-term rental special use permits issued in MFR, HDR, MDR, TLWFR and OSC districts by the City through a special use application shall not exceed thirty (30). Permittees that have a valid permit and are in good standing with the City shall have first priority in renewing their permit. The remaining balance of permits may be issued to applicants who have submitted a completed application. Applications will be reviewed on a first come first serve basis.
 - (1) In CBD, WF, HSC districts, short term rentals are a permitted use and permits will be issued through a commercial land use application and do not have a limit.
- (e) Renewal – All short-term rental permits shall expire one year from the date they are issued. The owner of a permitted short-term rental may apply for a renewal as early as 30-days prior to expiration.
- (f) Applications are accepted on a first come first served basis. Permit renewals will be reviewed and considered prior to considering new applications.

DIVISION 3: VIOLATIONS AND PENALTIES

Sec. 6-170. – 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 City shall have the right to commence a municipal civil action to enforce compliance with this Ordinance.
- (c) *Administration* – The City of East Tawas 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.
- (d) *Enforcement expenses* – All persons determined to be in violation of this Ordinance shall be further liable to the City for all costs, fees and other expenses incurred in the enforcement of this Ordinance, including without limitation actual, reasonable attorney’s fees and court costs. All such expenses assessed against a responsible party not paid when due shall constitute a lien upon any real property owned or in which an interest is held by a responsible party within the City, and from, upon or pertaining to which property the subject violation(s) occurred. Such lien shall be of the same character and effect as the lien created by City Charter for real property taxes and shall include accrued interest and penalties. The City Treasurer shall prior to March 1 of each year certify to the City Assessor the fact that such assessable costs are delinquent and unpaid. The City Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

Sec. 6-171. – Penalties.

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

(1) *Short-Term Rental Without a Permit*

- a. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
- b. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$750.
- c. *Third Violation* – The third violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,500.
- d. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in municipal civil infraction subject to a fine of \$5,000.

(2) *All Other Violations*

- a. *First Violation* – The first violation in a calendar year shall result in a Notice of Violation delivered to the property owner through certified mail.
- b. *Second Violation* – The second violation in the same calendar year shall result in a municipal civil infraction subject to a fine of \$500.
- c. *Subsequent Violations* – Subsequent violations in the same calendar year shall result in a municipal civil infraction subject to a fine of \$1,000.

(b) *Revocation* – The City 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 on 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:

- a. The Zoning Administrator shall issue a notice to the property owner and local agent, in writing through certified mail, that the City intends to revoke the short-term rental.
- b. Within 14 days of service of the notice, the property owner or local agent may request a hearing before the City Council to show cause as to why the short-term rental permit should not be revoked. The request must be in written form.
- c. If a hearing is timely requested, then the Zoning Administrator shall inform the property owner and/or local agent, and City Council of the time and place of the hearing.
- d. 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 City Council 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 immediately.

- (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 the City of East Tawas, 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 City. If the property owner has other short-term rentals permitted in good standing in the City at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.

Sec. 6-172. – Severability.

- (a) The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Sec. 6-173. – Repeal.

- (a) All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Sec. 6-174. – Effective Date.

- (a) This ordinance shall take effect December 26, 2022.

Bruce P. Bolen, Mayor

Julie J. Potts, Clerk