



**VILLAGE OF EMPIRE
SHORT-TERM RENTAL ORDINANCE
Ordinance No.**

AN ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL (should we just say Dwelling Units and include business properties) PROPERTY WITHIN THE VILLAGE OF EMPIRE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1: PURPOSE

The Village of Empire Council finds and declares as follows:

~~_____ A. The Village of Empire ("Village") wishes to reconcile the many different land use interests and concerns that are involved in the short-term rental of single-family residential properties.~~

B. Short-term rentals (STRs) can provide a community benefit by expanding the number and type of lodging facilities available that support commerce and assisting owners of short-term rentals by providing revenue to help offset ~~expenses-costs~~.

C. However, the STR of single-family dwellings can also cause difficulty where the use takes on a more transitory and commercial ~~character-use~~ akin to a motel or similar use.

D. It is with these findings in mind that it is the intention of the Village that, to the extent that short-term rentals are permitted in the Village, such rentals occur in a manner that remain consistent with the single-family character of the residences and neighborhoods where they are located.

D. (Alternate) To remain and grow as a year-round community, the Village has enacted this Ordinance to monitor STRs and strike a balance recognizing the interest of our Village residents, business owners, visitors, and property owners.

E. The Village also has environmental concerns associated with the protection of water quality.

F. This ordinance is intended to protect the health, safety and welfare of residents, tenants, guests and business owners by providing guidance to STR owners and renters, a clear set of regulations to facilitate compliance, and enforcement mechanisms when needed.

SECTION 2: DEFINITIONS

As used in this Ordinance:

Agent - A person, firm or agency representing the Owner of the property used for a STR.

Bedroom - A dwelling room used or intended to be used by human beings for sleeping purposes.

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CAP - The maximum number of STR Dwelling Units allowed within the Village limits.

Dwelling Unit - A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping cooking, eating, and bathing purposes. (Full description in the Village Zoning Ordinance).

Dwelling, Accessory - A dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building, such as a garage. (Full description in Village Zoning Ordinance)

Good Neighbor Guide - Refers to a specific document containing guidelines developed by the Village of Empire to ensure our residents' quiet and peaceful enjoyment of their neighborhood. To be given to the renter.

Grandfathered - A Short-Term Rental unit operating as such in 2022 through _____ 2024. Proof of Short-Term Rental of property during that time will be required.

Local 24-Hour Contact Person - A local property owner, operator or agent of the owner who is available to respond to tenant and neighborhood questions or concerns and authorized by the owner to take remedial action and respond to any violation of this ordinance.

Owner - The Person or entity that holds legal or equitable title to the property (or portion thereof) used as a STR.

Occupant - An individual living in, staying in, or otherwise having possession of a short-term rental.

Short-Term Rental - Rental or leasing of a Dwelling Unit or an Accessory Dwelling for a period of time less than thirty (30) consecutive days.

Short-Term Rental License- A Short-Term Rental License (License) duly issued by the Village of Empire.

Special Events - An event in association with a short-term rental, a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity that exceeds the maximum number of occupants allowed under the short-term rental permit.

"Village" - Shall refer specifically to the Village of Empire.

SECTION 3: APPLICABILITY

A. This ordinance applies to all residential Dwelling Units and Accessory Dwelling Units in the Village and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.

B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, motels, hotels or resorts.

C. No short-term rental may occur in the Village unless in conformity with the provisions of this Ordinance.

D. This Ordinance does not affect additional or more-restrictive requirements placed on the use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations, by-laws, rental agreements, etc.

~~E. This Ordinance does not apply to the rental of a Dwelling Unit for 14 days or less in one calendar year. (This is based on an IRS tax law - if you live in the unit for more than 14 days per year and don't rent it for more than 14 days per year you do not have to pay taxes on the income but cannot deduct expenses either. This is mentioned in ordinances that are based on zoning - commercial versus residential - but not in police power ordinances)~~

SECTION 4: SHORT-TERM RENTAL LICENSE REQUIREMENTS

It shall be a violation of this Ordinance to operate or advertise a Short-Term Rental in the Village of Empire without a Short-Term Rental License.

A. The Village Council shall provide a policy/policies covering the procedures for application, issuance and renewal of Short-Term Rental Licenses.

B. The Village shall provide a STR License Application that must be filled out completely by the applicant to be considered for a STR License.

The application shall include the following:

1. Address of property and parcel number.
2. Property owner name(s).
3. Local 24-hour contact person.
4. Contact information including: name, address, email and 24-hour contact phone number for the property owner, and the name and phone number for the local contact person.
5. Signature of property owner(s) and local 24-hour contact person.
6. Number of Bedrooms in the Dwelling /Accessory Unit.
7. Capacity of the Dwelling Unit based on this Ordinance.
8. A valid Septic permit or documentation issued by the Benzie/Leelanau Health Department.
9. A list of any rental agents or listing services, including online sites, with or through whom the unit is actively advertised for rental.
10. An applicant may be required to provide other information deemed reasonable necessary by Village staff to determine whether the STR standards and regulations have been met.

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C. Licenses will be issued by calendar year. They will be valid thru December 31 of each year (January 1 - December 31) unless revoked for cause or until the dwelling is sold.

D. The renewal of an active compliant STR License will be guaranteed if the completed renewal application is received on or before the date specified in the Village Council STR Policy.

E. The Empire Village Council shall, by Resolution, adopt a fee for the Short-Term Rental License and may amend the fee by Resolution.

F. A separate STR License is required for each STR Unit.

G. The STR License shall only be issued to the Owner of the property and cannot be transferred to another Owner or Property. The STR Permit is not transferrable and does not run with the Property Ownership.

1. In the case of a sale or transfer of property ownership in the middle of a year where the property has already been booked by renters, the seller may appeal to the Council? Zoning Administrator? to allow the fulfillment of those bookings in that same year.

~~H.~~ H. The Owner or Agent may not apply for a STR license if there is no present intention to use the unit as an STR. ~~After~~ After a license is granted for an STR, failure to utilize the subject dwelling unit as an STR is grounds for denying a renewal application for the following year. ~~H.~~

H. The Village of Empire Zoning Administrator and/or other persons designated by the Village of Empire Council shall be authorized to issue STR Licenses under this Ordinance.

I. The maximum number of STR Licenses that can be issued in any calendar year is 60 -70 ?????

SECTION 5: STANDARDS FOR APPROVAL/ REGULATIONS

A. General Requirements

1. All short-term rental operations shall, at all times, comply with the requirements of this Ordinance.

2. All lodging is to be exclusively within the Dwelling Unit and not in a recreational vehicle, camper, or tent.

3. Only one dwelling unit or accessory dwelling unit may be used as a STR on any parcel, except that when a parcel lawfully contains more than one dwelling unit and/or accessory unit, each separate dwelling/accessory unit may be used as a STR provided that each such unit is separately licensed under this Ordinance.

B. Local Contact Person

1. The Owner of a STR must designate a Local-24 Hour Contact Person who has access and authority to assume management of the unit and take remedial measures if necessary.

2. The Owner will provide the phone number of the Local 24-Hour Contact Person to all immediately adjacent neighbors along the subject property's boundaries. An Owner meeting the requirement may designate themselves as the Local 24-Hour Contact Person.

C. Capacity—Shall be determined by the owner as indicated on the license application.

1. Shall be determined by a formula which reflect two persons for each bedroom of the dwelling unit plus 4 additional persons.
2. The number of bedrooms is based on the BLDH septic permit.
3. Or the number the owner indicates, whichever is lower.
4. This standard does not impose or imply any limit on the number of Occupants allowed in any single bedroom.

D. Dogs and other pets shall be governed by the Leelanau County Animal Control Enforcement Ordinance.

E. Any discharge of fireworks on the rental property shall be in accordance with the Village of Empire Fireworks Ordinance Number 138.

F. Campfires shall be located in a designated area no closer than twenty (20) feet from a property line. Fires shall be in accordance with the Village of Empire Burning Ordinance Number 148 .

G. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.

H. Septic Systems: Any STR that is determined to have a failing septic system shall immediately cease STR operations until approved by the Health Department.

I. Safety : The STR shall meet all applicable building, health, fire and related safety codes at all times. Emergency contact information and phone numbers shall be posted within the dwelling unit where they are clearly visible by or on the primary access door used by the occupants of the dwelling.

J. The STR License Number issued by the Village and certified capacity occupancy shall be included in any advertisement for the dwelling unit.

K. It is the Owners responsibility to inform the Village of any change in contact information for the Owner, Agent, or Local 24-Hour Contact Person.

N. The Owner, Agent shall provide the renter with a copy of the Good Neighbor Guide.

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SECTION 6: VIOLATIONS

Any of the following will be considered a violation of this ordinance:

1. Failure to update information with the Village such as the owner or agent contact information in a timely manner.
2. Advertising a short-term rental for an occupancy in excess of that allowed under the License issued by the Village.
3. Failure of the License holder or their designated Local 24-Hour Contact to be available at any time during the tenure of an active short-term rental.
4. Providing false or misleading information on the application for a STR License.
5. Failure to obtain a STR License when operating a short-term rental.
6. Failure to comply with any other provision of this Ordinance.
7. Violations of any County, Township or Village Ordinance, including but not limited to Nuisance, Noise, Junk, Fireworks, Animal Control or Disturbance of the Peace shall constitute a violation to this Ordinance.

~~B. A short term rental permit may be revoked following three separate violations on the same property under the same ownership within any single calendar year. The property owner may reapply for a permit the following calendar year if all violations have been resolved. If there is a short term rental waiting list, revocation of a license will cause the owner to be placed at the bottom of the waiting list.~~

SECTION 7: PENALTIES -The penalties for violations of this Ordinance are as follows:

1. For a first violation within any calendar year, the penalty is a written notice of violation and a \$50 fine.
2. After notice and opportunity to correct the first violation, a second violation within the same calendar year shall be subject to a municipal civil infraction citation punishable by a fine of \$200. All owners, regardless of their interest in the property, may be held jointly and severally responsible for any such municipal civil infraction.
3. After notice and opportunity to correct the second violation, a third violation within the same calendar year at a single STR unit shall be subject to a municipal civil infraction punishable by a fine of \$500, and the license for that STR unit may be revoked. The property owner may reapply for a permit the following calendar year if all violations have been resolved. If there is a STR waiting list, revocation of a license will cause the owner to be placed at the bottom of the waiting list.
4. An owner may appeal a decision to revoke a license to the Village Council within 30 days of the date the written note of revocation was issued.

SECTION 8: ENFORCEMENT OFFICIAL

The Village Zoning Administrator or any person officially authorized by the Village of Empire Council are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this ordinance.

SECTION 7: CIVIL ACTION

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In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the village may initiate proceedings in the District Court to abate or eliminate a violation of this Ordinance.

SECTION 8: VALIDITY

In 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.

SECTION 9: EFFECTIVE DATE

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