

From: [Sue Palmer](#)
To: [Maggie Bacon](#); [March Dye](#); [Meg Walton](#); [Chris Webb](#); [Thomas Rademacher](#); [Linda Chase](#)
Cc: [Alacia Acton](#); [Derith Smith](#)
Subject: Fwd: RE: Re: Ordiiinances for STR
Date: Friday, November 8, 2024 2:41:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[Short-Term Rental Ordinance \(03561861x9ED46\).docx](#)

FYI. I would like to add this to the agenda as Changes or Additions to the Agenda. Please add it to the Hand Outs on the web page so the public has an opportunity to weigh in at the meeting.

Please review and we will talk at the meeting with the public.

Thanks,

Sue

----- Original Message -----

From: "Brad A. Fowler" <BFowler@mikameyers.com>
To: Sue Palmer <s.palmer@villageofempire.com>
Cc: Derith Smith <clerk@villageofempire.com>, "Timothy J. Figura" <TFigura@mikameyers.com>
Date: 11/08/2024 1:47 PM EST
Subject: RE: Re: Ordiiinances for STR

Hi Sue,

I have completed my review of the two “dueling” short-term rental ordinance drafts as well as the list of questions you provided from committee/council members. While I have answered Trustee Dye’s questions from her 7/1 email below, rather than go thorough the exhaustive list of other questions in the various emails, I thought it a better use of the Village’s resources to take the two drafts you provided and use them as a guide and create a more comprehensive Short-Term rental ordinance that is fully compliant with the law and consistent with how other communities are regulating short term rentals. My proposed draft ordinance (with comments) is attached for the Village Council’s consideration. I incorporated the spirit of the two drafts the Committee came up with, but cleaned them up and added some additional provisions the Village Council may wish to consider.

Answers to Trustee Dye’s questions are in **Green** below:

1. Is the “Registration Ordinance” a zoning ordinance or a police power ordinance. Does it effectively allow STRs in all residential zones which would be harder to regulate once it takes effect. (Currently our zoning ordinance does not allow or prohibit STRS). **Both of the draft ordinances you provided were police power ordinances. However, they contained**

some language that was more appropriately addressed in a zoning ordinance. I corrected that in my proposed draft. The proposed draft is also a general police power ordinance. We recommend regulating short-term rentals in this way (rather than in a zoning ordinance) because if you put these regulations into a zoning ordinance any existing rentals would be allowed to continue as a grandfathered non-conforming use and would not be subject to the regulations. That said, in conjunction with this ordinance, the Village should revise its zoning ordinance to list the zoning districts where STRs will be allowed as a permitted use (and where they will not be allowed) and state that such use is subject to compliance with all the requirements in the attached STR police power ordinance.

2. Is Section 3C of the Registration Ordinance in direct conflict with Section 4F? Yes. It is confusing and conflicting language. I addressed this in the attached proposed ordinance. Though I did not include a cap in my proposed draft because it appears there is no consensus on that issue, if the Village wants to place a cap on the total number of certificates it will allow, that is legally permissible, and the cap can be added in. Just let me know how the Village wants to proceed with the cap issue.

3. If as stated – the purpose of the Registration Ordinance is to “register STRs and to gather accurate data that may be used to determine if further regulation is needed and appropriate”, wouldn’t that purpose be better suited as a Resolution? No. Short-term rentals cannot be regulated by a resolution, an ordinance is required for any permitting scheme or when penalties are involved. I clarified the purpose of the ordinance in my attached proposed draft. Resolutions are less formal. For example, the proposed ordinance states that the Village Council will establish an application fee for STR Certificates from time to time. That is a proper use of a Resolution.

4. It has been stated that “no law or statute has been adopted that has declared STRs are a commercial venture. Court cases are decided upon a specific set of facts – that may or may not apply to the facts in Empire.” Have the courts issued any rulings supporting the definition of STRs as commercial ventures? Yes, Back in 2019, the Michigan Court of Appeals issued a published opinion in the case of *Reaume v Township of Spring Lake* where the Court analyzed the definition of “Dwelling, Single Family,” which was a permitted use in the R-1 district in Spring Lake Township to determine if the plaintiff’s short-term rental activity fell under that definition. The court noted that the definition of single-family dwelling in the Spring Lake ordinance emphasizes one family only and expressly excludes “transitory or seasonal” or otherwise temporary relationships. Based on this analysis, the Court concluded that the definition of single-family dwelling in the Spring Lake Ordinance “unambiguously excludes transient or temporary rental occupation,” and that the

plaintiff's use of the property for short-term rentals was never permitted under the Township's R-1 zoning so it was not a lawful non-conforming use. This decision has subsequently been cited favorably by the courts in looking at the legality of short-term rentals absent any express short-term rental regulations. The decision is important because the Court based its decision on language in Spring Lake's ordinance which is similar to many other ordinances. That said, you are correct that each case will be different and hinge on the facts and the language of the subject zoning ordinance. The prevailing outcome in the courts has been to treat short-term rentals as commercial rather than a residential use, but it will turn on the language of how single-family and dwelling are defined in the zoning ordinance. Additionally, I should note that there is currently some proposed legislation pending in Lansing that would impact short-term rentals. HB 5438 is part of a package of bills introduced in February of this year addressing tourism, lodging, and short-term rentals. This bill, if enacted into law, would create a new "Short-Term Rental Regulation Act." Under the proposed Act, the Department of Licensing and Regulatory Affairs (LARA) would create a short-term rental database and each year, short-term rental owners would be required to file a certificate with the State that includes the name and address of the owner, the address of the short-term rental, a certificate showing the owner has at least a \$1 Million liability insurance policy, and emergency contact information for someone within 30 miles of the rental. Upon request, the State would be required to provide this information to local governments along with a report of all complaints filed against the owner of the short-term rental for violations of the Act. Under the proposed Act, local governments would be precluded from enacting or enforcing an ordinance that has the effect of totally banning short-term rentals, but the proposed Act (in its current form) would expressly allow local units to enact and enforce reasonable regulations and uphold zoning decisions for short-term rentals like the proposed draft I have attached. Also, the proposed Act would prohibit hosting platforms like Air B&B from facilitating bookings for short term rentals that have not received a valid permit, license or registration, if required by the local government. So the Act contemplates that local governments could have their own permitting process like the one proposed if they wish. Lastly, this bill has been referred to committee and is tie-barred to 9 other House Bills, which means even if this bill passes in both the House and Senate, it won't become law until each of the other bills are also approved by both chambers. I think it still has a long way to go before possibly becoming law, and may never be enacted, but I wanted to make you aware of it.

5. **Both Ordinances refer to the exemption of Units rented for a total of 14 days or less. Is this legal?** Yes, but I do not recommend it because it will be very difficult to police and enforce the Ordinance. Owners who rent without getting a certificate will claim they are only renting it for less than 14 days and it will be very difficult for the Village to verify that information. Additionally, it creates a safety issue for renters of exempt properties because those owners will not be subject to all the health safety and welfare requirements such as smoke detectors, proper ingress egress etc. Most ordinances I have seen do not include such an exemption. They require the renting of any dwelling for less than 30 days to get a permit.

6. Is it legal to exempt units wholly contained within a dwelling occupied by an on-site-owner? **Yes. If that is something the Village wishes to do, we can incorporate that into the attached draft.**

7. If the “Regulation Ordinance” were adopted what changes would need to be made to the zoning ordinance to allow for this to take effect? What would be the timing of said changes if any? Before or after adoption of an ordinance? **Regardless of what police power ordinance is adopted, as mentioned above, the Zoning Ordinance should be amended in conjunction with it to indicate which districts short-term rentals will be allowed as a permitted use. The Zoning Ordinance should provide that such use is subject to compliance with the police power ordinance and getting a certificate. The Zoning Ordinance change can be done at the same time or shortly after the Short-term Rental Ordinance. Keep in mind it takes more time to adopt a zoning ordinance as it requires a public hearing at the Planning Commission and does not become effective until 30 days after publication.**

I am happy to address any questions or discuss this in more detail after the Village Council has had an opportunity to review. If the Council is happy with the proposed draft, it can consider it at any meeting as time and agenda items allow. No hearing is required since it is a police power ordinance.

Thanks!

Bradley A. Fowler

Member



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[Download vCard](#)



From: Sue Palmer <s.palmer@villageofempire.com>
Sent: Thursday, September 12, 2024 2:51 PM
To: Brad A. Fowler <BFowler@mikameyers.com>
Cc: Derith Smith <clerk@villageofempire.com>
Subject: Fwd: Re: Ordianances for STR

Brad, please see the attached Ordinances per your request.

Thanks,

Sue

----- Original Message -----

From: March Dye <m.dye@villageofempire.com>
To: Sue Palmer <s.palmer@villageofempire.com>
Date: 09/11/2024 6:00 PM EDT
Subject: Re: Ordianances for STR

Sue,

Here are word documents. Hope this works.

On 09/11/2024 2:02 PM EDT Sue Palmer
<s.palmer@villageofempire.com> wrote:

The attorney from Mika Meyers is requesting word document copies of your ordinances for STR. Could you please forward them to me so they can be sent to him? He is wanting to mark up the documents with recommended changes.

Thanks

-Sue

-Sue

-Sue

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Empire, Leelanau County, Michigan, held at the Empire Township Hall located at 10088 W. Front St., Empire, Michigan, on the ___ day of _____, 2024, at _____ p.m. Local Time.

PRESENT: _____

ABSENT: _____

The following ordinance was offered by _____ and supported by _____.

SHORT-TERM RENTAL ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN THE VILLAGE OF EMPIRE AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF EMPIRE ORDANS:

SECTION 1: FINDINGS AND PURPOSE

The Village of Empire Council finds and declares as follow:

- A. Like many other lakefront communities in Northwest Michigan, the Village of Empire 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 can provide a community, and even a state-wide benefit, by expanding the number and type of lodging facilities available near the lakeshores and other recreational features. They can assist Owners of homes by providing revenue that may be used for mortgage, operations, maintenance, upgrades and deferred costs.
- C. However, short-term rental of single-family dwellings can also cause difficulty where the character of the use takes on a more transitory and commercial character akin to a motel or similar use.
- D. With these findings in mind the Village intends that, to the extent that the short-term rental of single-family homes is permitted in the Village, such rental occurs in a manner that remains consistent with the single-family character of the residences and neighborhoods where they are located.

- E. For the foregoing reasons, the purpose of the following regulations is to make the short-term rental activity permitted by this ordinance resemble the existing and traditional single-family residential uses. The regulations are intended to be strictly construed and enforced with this goal in mind.

SECTION 2: DEFINITIONS

Bedroom – A separate room that is used or intended to be used specifically for sleeping purposes, having a door for ingress and egress, and a current Fire and/or Residential Building Code approved egress window of sufficient size to allow a person to exit the window in the event of fire and to enable Fire Department response personnel to extract a person from such a window. A Bedroom must be a habitable space intended for sleeping purposes and not a room by design intended to serve another purpose including but not limited to a kitchen, dining area, den, family room, porch or living room.

Capacity - Rental capacity is the number of overnight Occupants permitted under this ordinance and as listed on the Certificate. The maximum number of overnight Occupants shall be limited based upon the number of Bedrooms, or Other Sleeping Areas, as defined in this Ordinance

Dwelling Unit - A structure designed for single-family habitation, located within a building and forming a single habitable unit having its own, separate facilities that are used or intended to be used for sleeping, cooking, eating and bathing purposes and that is or is intended to be used for Short-Term Rental purposes.

Good Neighbor Guide: A document containing guidelines and rules developed by the Village to provide information to STR occupants as to neighborly conduct expected of those transiently staying in the Village, consistent with what is generally expected of all residents.

Local Contact Person - An Owner, local property manager, agent, or caretaker who is authorized to respond to tenant, Village, and neighborhood questions or concerns; or any agent of the Owner authorized by the Owner to take remedial action and respond to any violation of this ordinance.

Occupant - Any person who is an overnight guest in the short-term rental, including the renter, and does not include guests who are visiting between the hours of 7:00 am and 11:00 pm.

On-site parking area - A designated area within the property boundaries of the short-term rental that is legally available for use by the Occupants of the short-term rental for overnight parking of motor vehicles.

Other Sleeping Areas – These consist of living rooms, dens, porches, dormers or other locations, used for sleeping, that are distinct from Bedrooms, but which have a door for ingress

and egress, and a current Fire and/or Residential Building Code approved egress window of sufficient size to allow a person to exit the window in the event of Fire and to enable Fire Department response personnel to extract a person from such a window

Owner – The legal Owner of record of the lot or parcel where the Dwelling Unit that is subject to the Short-Term Rental is located. The term Owner is intended to be the same as the term applicant for a Certificate, and the holder of an issued Certificate.

Parking Space - An area at least 9’ wide by 18’ long for the parking of one motor vehicle within an on-site parking area.

Rental Certificate - A Short-Term Rental Certificate (“Certificate”) duly issued by the Village.

Short-Term Rental - Rental of a Dwelling Unit for overnight occupancy for a period less than 30 days.

Special Events – Means 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 Certificate.

Village – The Village of Empire or its designee.

SECTION 3: APPLICABILITY

- A. This ordinance applies to all residential Dwelling Units located in the Village and to the Owners of those Dwelling Units that are rented for a period of less than 30 days. However, Dwelling Units rented for a total of 14 days or less per calendar year shall be exempt from the requirements of this ordinance.
- B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, boutique hotels, motels, hotels or resorts, waterfront resorts, marinas or RV parks permitted or established under the Village of Empire Zoning Ordinance.
- C. No short-term rental may occur in the Village unless in conformity with the provisions of this ordinance.

Commented [BF1]: I kept this in as it was in the drafts provided. It is legal, but it will be difficult to enforce and is not customary. The Village should consider how it will police and enforce this if it wants to keep the 14 day exemption in.

SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

- A. A Certificate is required prior to the rental of any Dwelling Unit for a period of less than 30 days.
- B. The Village shall provide a Rental Certificate Application that must be filled out completely by the Owner or Owner’s authorized agent and returned to the Village to be considered for a short-term rental Certificate. The application shall include the following

at a minimum:

1. Address of property and parcel number.
 2. Property Owner name(s). If the Owner is not a natural person, information shall be provided for the entity owning the Dwelling Unit and for the individual trustee(s), partners, primary officers or managing members who have effective control of that entity.
 3. Local Contact Person name(s) (if different than Owner).
 4. Contact information including: name, address, email and 24-hour contact cell phone number for the Owner of the property and the Local Contact Person.
 5. Signature of property Owner(s) and Local Contact Person.
 6. Number of Bedrooms in the Dwelling Unit.
 7. Capacity of the Dwelling Unit based on the standards in this Ordinance.
 8. Number of on-site Parking Spaces as otherwise defined in this Ordinance.
 9. Sketch or survey of the property indicating the size, location and layout of the Dwelling Unit, and a floor plan showing the number of, and the size of, the Bedrooms, and Other Sleeping Areas, driveway or other point of access, and the On-Site Parking Area meeting the definition of a Parking Space.
 10. The applicant (Owner) shall remit to the Village with each Rental Certificate Application a nonrefundable application fee. The amount of such fee and any subsequent changes shall be as established by resolution of the Village Council from time to time.
- C. A Certificate issued by the Village shall be valid through December 31 of each year (January 1 – December 31) unless revoked for cause or until there has been a transfer of ownership of the Dwelling Unit. A Certificate will be issued within 15 days of receipt of a complete Rental Certificate Application and a completed inspection by the Village showing compliance of the Dwelling Unit with the requirements of this ordinance and the information supplied on the Rental Certificate Application. A Certificate issued by the Village is not transferrable.
1. The Certificate shall indicate the Capacity of Occupants that can be accommodated in the Dwelling Unit in accordance with this ordinance, and as attested to by the Owner.
 2. A Certificate holder shall be subject to all the standards and penalties of this

Ordinance.

SECTION 5: REQUIREMENTS OF THE SHORT-TERM RENTAL OWNER

- A. The Owner shall post the following information in a weather proof enclosure for the Dwelling Unit in a location clearly visible from the street or road serving the property.
 - 1. A copy of the Good Neighbor Guide with all contact and capacity information filled in.
 - 2. A Copy of this Ordinance.
- B. The short-term rental Certificate number issued by the Village and certified Capacity shall be included in any advertisement or other marketing material for the Dwelling Unit, including on-line advertising.
- C. It is the Owner's responsibility to inform the Village of any change in the identity or contact information of Owner or Local Contact Person.
- D. Each Dwelling Unit shall have an adequate supply of potable water from a permitted private water well, and a properly sized and functioning private sanitary septic system, if not connected to the public sewer system. If there is an on-site sewage waste disposal system, the Rental Certificate Application shall include documentation of compliance with these requirements by the Benzie Leelanau District Health Department. Portable toilets are not permitted on the premises of a Dwelling Unit. Failure or operational deficiency of the on-site sewage waste disposal system shall be grounds for denial and/or immediate revocation of the Certificate issued for the Dwelling Unit.
- E. Local Contact Person: The Local Contact Person must be available 24 hours per day during the time the Dwelling Unit is occupied by tenants and be within a two-hour travel time of the Dwelling Unit.

Commented [BF2]: The Village should discuss how close they want the Local Contact Person to be. This can be changed to whatever the consensus is.

SECTION 6: CAPACITY, OCCUPANCY AND FIRE SAFETY REGULATIONS

- A. Fire Protection Devices: A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke/carbon monoxide/fire alarms as may be required by State law or Village regulations, annually tested and certified by the Owner as functional on the annual Rental Certificate Application, shall be properly installed and placed in Code mandated locations in the Dwelling Unit.
- B. Capacity: The maximum allowable number of Occupants in a short-term rental shall be based upon the number of Bedrooms in the Dwelling Unit, in accordance with the following:

1. Maximum overnight occupancy for Short-Term Rentals shall be up to a maximum of two (2) persons per sleeping room or bedroom , plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under four (4) years of age.
 2. With the approval of the Village following inspection, Other Sleeping Areas can be used, in addition to Bedrooms, to determine capacity, if sufficiently identified within the sketch included with the Rental Certificate Application under Section 4.B.9. of this Ordinance
- C. Occupancy and Fire Safety: Each Bedroom and all Other Sleeping Areas authorized by the Village to be included in determining the Capacity of the Dwelling Unit, shall have a door for ingress and egress, and a current Fire and or Residential Building Code approved egress window of sufficient size to allow any person to exit the window in the event of Fire, and to enable Fire Department response personnel to extract any person from such a window.

SECTION 7: SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS

- A. Parking: Guests occupying a Dwelling Unit shall minimally comply with applicable parking requirements under the Village Zoning Ordinance Section 3.16.1. Boats, recreational vehicles, trailers and similar personal property may not be parked, stored, or used in an unimproved front yard area of the licensed premises.
- B. Trash: Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.
- C. Special Events: Special Events are not allowed on the property where the Dwelling Unit is located for more than the number of Occupants permitted under this ordinance.
- D. Capacity Limit: The number of Occupants shall not exceed the Capacity indicated on the Certificate
- E. Occupants limited to the Dwelling Unit: Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the parcel containing the Dwelling Unit shall not be included in any calculation of the Capacity of Dwelling Unit. All overnight lodging of Occupants is to be exclusively within the Dwelling Unit. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the property of the Dwelling Unit shall not be used in any manner for overnight occupancy.
- F. Good Neighbor Guide: Occupants shall at all times abide by the rules in guidelines in the Good Neighbor Guide.

G. Quiet Hours and Noise: Quiet Hours for Dwelling Units shall be observed every night from 11 p.m. to 7 a.m. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities living on a neighboring parcel. One indicator of this standard is whether the level of noise interferes with the sleep of neighboring property Owners based upon a reasonable person of normal sensitivities.

H. Fireworks: No fireworks shall be used on the property containing the Dwelling Unit unless in complete conformance with the Village of Empire Ordinance #138 and the Michigan Act 256 of 2011.

I. Pets: Pets shall be secured on the premises containing a Dwelling Unit or on a leash at all times.

J. Campfires: Any campfires or other open burning at a short-term rental property shall comply with the Village Burning Ordinance (Ordinance #148 of 2017).

Commented [BF3]: The Village may want to consider adding in these regulations, though they are not required.

SECTION 8: SIGNS.

Any signs for a short-term rental Dwelling Unit shall comply with the requirements of the Village’s sign ordinance (Ordinance #142).

SECTION 9: VIOLATIONS AND REVOCATION OF CERTIFICATE

A. Violations. Any of the following will be considered a violation of this Ordinance:

1. Failure to update information with the Village such as the Local Contact Person or Owner contact information in a timely manner.
2. Advertising a short-term rental Dwelling Unit for a Capacity in excess of that allowed under the Certificate issued by the Village.
3. Failure of the Owner or Local Contact Person to be available at any time during the short- term rental occupancy of a Dwelling Unit.
4. Providing false or misleading information on the Rental Certificate Application.
5. Failure to obtain a short-term rental Certificate prior to or during the short- term rental of a Dwelling Unit.
6. Failure to comply with any other provision of this Ordinance.

B. A short-term rental Certificate may be revoked following three (3) separate violations on the same property under the same ownership within any single calendar year. The

Owner may reapply for a Certificate the following calendar year and receive a Certificate if all violations have been resolved. Any revocation determination may be appealed in writing to the Village Council within 14 days of issuance.

SECTION 10: ENFORCEMENT OFFICIAL.

The Village ordinance enforcement officer, Village President, any police officer authorized to act within the Village, or any person officially authorized by the Village of Empire Council (“Enforcement Officials”) are hereby designated as authorized local officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

SECTION 11: ENFORCEMENT PROCEDURE & PENALTIES

- A. The Local Contact Person or Owner shall act forthwith to address complaints made about violations of this Ordinance. When the Local Contact Person or Owner has not acted to address the complaints, a complaint may be made to an Enforcement Official identified in Section 10. If the Enforcement Official determines that a violation has occurred, the Enforcement Official shall send a written notice to the property Owner and/or Local Contact Person of the property in violation.

- B. The notice shall describe the address of the Dwelling Unit, describe the nature of the violation and the specific provisions of this Ordinance being violated. The Owner or Local Contact Person shall respond to the Enforcement Official within seven (7) days. If the Owner and/or Local Contact Person fails to respond within seven (7) days, or the response does not adequately address the violation, the Enforcement Official shall cite the Owner for a municipal civil infraction (or “MCI”), and if found responsible for the MCI, the Owner shall be subject to the penalties provided in Village Ordinance #107 (Section 5A).

- 1. In addition, with respect to any violation, the Village may recover all of its costs, including attorney fees, incurred by the Village related to enforcement of the Ordinance, and/or revocation of the Owner’s Rental Certificate.

- 2. Tenants of the Dwelling Unit and/or visiting guests may be separately cited for violations of any ordinance or law committed by such tenant, such as excessive noise/violation of quiet hours as defined in this Ordinance, the Village’s general Nuisance Ordinance #97, as amended, and/or for violation of any other ordinance or law regulating personal behavior.

- D. The Village shall also have the right to seek an injunctive order to enforce compliance with this Ordinance as part of a MCI enforcement action in District Court as provided in the Revised Judicature Act, MCL 600.101 et seq. Each day that this Ordinance is violated shall be considered a separate violation. A violation of this Ordinance is considered a nuisance per se.

Commented [BF4]: The Village should consider whether the fines in Ordinance 107 (\$100 for first violation) are sufficient or if it wants stiffer penalties for violations of this ordinance.

SECTION 12: CIRCUIT COURT ACTION AND PRIVATE CIVIL ACTION

In addition to enforcing this Ordinance using a municipal civil infraction proceeding, including injunctive relief in District Court, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance by injunctive relief. Further, nothing in this Ordinance shall prevent any person who has suffered, or alleges to have suffered, damage to a person’s property or injury (including death) of any person proximately resulting from a violation of this Ordinance, from seeking relief in a court of competent jurisdiction against the Owner of a Dwelling Unit.

SECTION 13: 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.

I. SECTION 14: EFFECTIVE DATE

This ordinance shall take effect 20 days following the date of its publication.

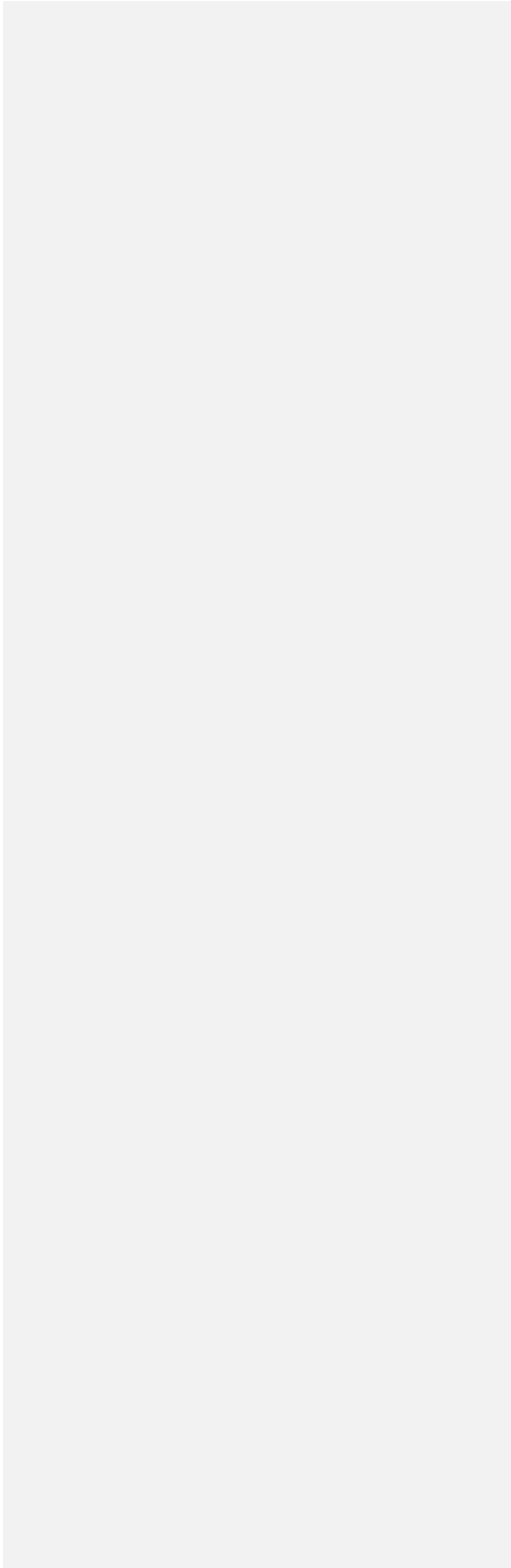
AYES: Members: _____
NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Sue Palmer, President
Village of Empire

Derith Smith, Clerk
Village of Empire

STATE OF MICHIGAN)
) ss.



COUNTY OF SAGINAW)

I, the undersigned, the duly qualified and acting Clerk of the Village of Empire, Leelanau County, Michigan (the "Village"), do hereby certify that the foregoing is a true and copy of an ordinance adopted by the Village Council at a regular meeting on the ____ day of _____, 2024, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ____ day of _____, 2024.

Derith Smith, Clerk
Village of Empire