



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

AN ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF 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 is an appealing community for Short-term rental properties of which there are many currently doing business.
- B. Short-term rentals (STRs) 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 costs.
- C. To remain and grow as a year-round community, the Village has enacted this Ordinance to monitor and License STRs and strike a balance recognizing the interests of our Village residents, business owners, visitors, and property owners.
- D. This ordinance is intended to protect the health, safety and welfare of the community 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.

Cap - The maximum number **or percent** 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 STR unit operating as such at some time in 2022 through _____ 2024. Proof of Short-Term Rental of property during that time will be required. **Grandfathered STR units will be required to submit an application and adhere to all regulations contained in this ordinance.**

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

Special Events **A gathering that occurs and causes significant disruption to neighbors and the surrounding community.**

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 consecutive days.

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

C. This ordinance does not apply to rental units wholly contained within a dwelling occupied by an on-site owner.

D. No STR may occur in the Village unless in conformity with the provisions of this Ordinance.

E. 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.

SECTION 4: SHORT-TERM RENTAL LICENSE REQUIREMENTS

It shall be a violation of this Ordinance to advertise or operate a STR in the Village without a STR License.

A. The Village shall provide information covering the procedures for application, issuance and renewal of STR Licenses.

B. Licenses will be issued for a period of one (1) year. They will be valid from January 1st thru December 31st of each year unless revoked for cause or until the dwelling is sold.

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

D. The Village shall provide a STR License Application that must be filled out completely **and accurately** 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), address, phone and email.
3. Local 24-hour contact person's name and phone number.
4. Signature of property owner(s).
5. Maximum Occupancy.
6. If requesting Grandfathered status - proof of such status.

E. The renewal of an active STR License will be guaranteed if the completed renewal application is received on or before the date specified by the Village.

F. Each dwelling unit on a parcel must be licensed separately. No more than two dwelling units may be used as a STR on any parcel.

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 Zoning Administrator to allow the fulfillment of those bookings in that same year. **(We need to look at this further or ask our lawyer)**

H. The Owner may not apply for a STR license if there is no present intention to use the unit as a STR. After a license is granted for a STR, failure to utilize the subject dwelling unit as an STR is grounds for denying a renewal application for the following year. **(We agree with this but need to come up with better wording)**

I. The Village Council shall, by Resolution, adopt a fee for the STR License and may amend the fee by Resolution.

J. **The Village Council shall, by Resolution, adopt a Cap for STRs in the Village.**

K. If the number of STR applications exceeds the Cap the applications will be placed on a wait list in order of date received.

J. The CAP set on STRs is ??? (60-75) **Recommend taking this out of ordinance and putting in the information letter. Then if the cap is changed it won't have to be an amendment to the ordinance. The cap can be set by resolution of council as will the fee. Consider a percentage of the dwelling units in Village.**

SECTION 5: REGULATIONS

A. General Regulations

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.

B. Local 24-Hour 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. Maximum Occupancy -Shall be determined by the owner as indicated on the license application.

D. No special events are allowed on STR property.

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

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

G. 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 .

(For E-G it was suggested just to say "All Village, Township and County ordinances must be complied with.")

H. 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.

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

J. Safety : The STR shall meet all applicable 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.

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

L. It is the Owners responsibility to inform the Village **within thirty (30) days** of any change in contact information for the Owner, Agent, or Local 24-Hour Contact Person.

M. The Owner, Agent shall provide the renter with a copy of the Good Neighbor Guide. **The renter shall be provided access to the Good Neighbor Guide.**

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, agent, or 24-hour contact information ~~in a timely manner~~ **within thirty (30) days of such change.**
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, Junk, Fireworks, Animal Control or Disturbance of the Peace shall constitute a violation to this Ordinance.

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.
4. An owner may appeal a decision to revoke a license to the Village Council within thirty (30) days of the date the written note of revocation was issued.

5. The property owner may reapply for a permit in 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.

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

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

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.

SECTION 9: EFFECTIVE DATE

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