

113.000 MILTON TOWNSHIP VACATION RENTAL ORDINANCE

113.101 Title.

This Ordinance shall be known as the Milton Township Vacation Rental Ordinance.

113.102 Purpose.

The Milton Township Board finds and declares as follows:

A. Vacation rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

B. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at vacation rental properties.

C. The transitory nature of occupants of vacation rentals makes continued enforcement against the occupants difficult.

D. The provisions of this ordinance are necessary to prevent the continued burden from county and township services and impacts on residential neighborhoods posed by vacation rental homes.

E. It is the intent of the Milton Township Vacation Rental Ordinance to make the vacation rental activity permitted by this ordinance resemble the existing residential uses made by resident owners and lessees.

113.103 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 this ordinance. Further, this ordinance does not

effect additional requirements of deeds, associations or rental agreements.

113.104 Definitions.

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a principle building and forming a single habitable unit having facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the vacation home rental, or a person, firm or agency owning the vacation home rental.

Operator. The person who is proprietor of a vacation home rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the private property.

Parking space. An on site designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Preschool-aged children. Children age 5 and under.

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Vacation rental. A property with a dwelling unit that is occupied by any person other than the primary owner for monetary consideration, for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Vacation rental does not include a bed and breakfast permitted and operated in accordance with the Milton Township Zoning Ordinance or occasional home exchanges.

113.105 Vacation Home Rental Standards

All Vacation Rentals must meet the following standards whether or not a permit is required:

A. The minimum length of rental period is seven (7) days.

B. Local Contact Person:

1. Each owner of a vacation home rental must designate a local person, property manager or agent, as a local contact person who has access and authority to assume management of the unit and take remedial measures.

2. The local contact person must be available 24 hours a day during the rental period and be within 45 minutes travel time.

3. A working phone number of the local contact person must be provided to all neighbors within a three hundred (300) foot radius of the subject property boundaries.

4. An owner meeting the requirements of 1 through 3 above may designate themselves as the local contact person.

C. The occupancy of the vacation rental property does not exceed the lesser of:

1. Two (2) persons per bedroom (not including pre-school aged children)
2. Ten (10) persons (but not including pre-school aged children)

D. The total number utilizing the property (including day guests) shall not exceed fourteen (14) persons over pre-school age children.

E. All parking associated with a vacation rental shall be entirely on-site.

F. Cultural events, special events, outdoor events, lawn parties, weddings or similar activities associated with a vacation rental are not allowed.

G. Pets shall be secured on the property or on a leash at all times.

H. Fireworks of any kind are not allowed on rental property except on the day before, day of and day after a national holiday:

- New Year's Day
- Birthday of Martin Luther King, Jr.
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

I. The owner shall maintain a properly functioning septic system or sewer connection per the Northwest Michigan Department of Health standards.

J. Noise during quiet hours must be limited to a conversational level. Quiet hours shall be from 10:00 p.m. to 8:00 a.m.

K. All advertising handouts, flyers, or any other information provided for vacation rentals shall conform to the approved occupancy limits and other standards. Availability of the rental unit to the public shall not be advertised on site.

L. The owner shall post these standards in a prominent place within the vacation rental and include them as part of all rental agreements.

113.106 Owner Responsibilities.

A. The owner must insure the required standards are met.

B. The owner must use best efforts to assure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

C. The owner or local contact person must, upon notification that occupants or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this ordinance, or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

113.107 Vacation Home Rental Permit.

A. Any vacation home rented for 4 or more weeks during a calendar year requires a permit be issued pursuant to this Ordinance.

B. A separate permit is required for each vacation home rental property.

C. The following application elements are required prior to receipt of a Vacation Rental Permit or permit renewal.

1. Completed application form. A fully completed and signed Vacation Rental Permit Application form provided by the Township.
2. Contact Information. A local contact available by phone 24 hours a day, seven days a week whenever the unit is utilized as a vacation rental.
3. Rental Rules. Vacation rental rules, if any, in addition to ,, those required by this ordinance.
4. Floor plan of the rental unit including use description of each room.
5. Maximum number of occupants to be accommodated while in use as a vacation rental.
6. A copy of any deed restrictions on the property.

D. A vacation rental permit shall remain valid for one (1) year from the date of issue. Any renewal of a vacation rental permit shall remain valid for two (2) years from the date of issue.

113.108 Violation and Administrative Penalties

A. The following conduct is a violation of the vacation rental ordinance:

1. The owner has failed to comply with the standard conditions specified in section 113.105 of this ordinance.
2. The owner has failed to comply with the owners responsibilities specified in section 113.106 of this ordinance
3. The owner has violated the provisions of this ordinance.
4. Any false or misleading information supplied in the application process.

B. The penalties for violations specified in subsection (A) are as follows:

1. For a first violation within any twelve (12) month period, the penalty is a warning notice of violation.
2. For a second violation within any twelve (12) month period, the penalty is a written notice of violation.
3. For a third and each subsequent violation within any twelve (12) month period, shall be subject to a municipal civil infraction punishable by a fine of not more than \$500. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
4. For a fourth violation within any twelve (12) month period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Milton Township Board.
5. An owner may reapply for a permit no sooner than twelve (12) months after revocation.

C. Civil Action. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.

113.109 Private actions to enforce.

A. Any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this ordinance may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the owner. The prevailing party in this litigation is entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing in this ordinance creates any right of action against the township or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may

be impacted or affected by various aspects of vacation home rental within the township.

February 14, 2018