

Chapter 15
Short-Term Rentals

15-1. Intent and Purpose.

The City Commission finds the short-term rental of dwelling units in the City of Boyne City provides value to our local economy but also can bring with it negative effects to the year-round quality of neighborhoods, housing supply, and public health and safety. The City Commission has enacted this regulatory ordinance to strike a regulatory balance between the interests of community residents, business owners, visitors, and property owners.

Section 15-2. Definitions.

As used in this Chapter, the following words and phrases shall have the meaning hereafter ascribed to them:

Accessory Dwelling Unit: A second residential dwelling unit that may be contained within an existing single-family home, detached garage, or carriage house, and that meets all of the requirements, of the City of Boyne City Zoning Code of Ordinances.

Basement: The portion of a dwelling which is more that 50% below finished grade. A finished basement with egress shall be counted as a floor, an unfinished basement or a basement without egress shall not be counted as a floor.

Bedroom: A room intended for sleeping or placement of a bed separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: Kitchens; dining areas; gathering spaces such as living rooms, dens, family rooms, and attics or basements without egress meeting standards in applicable building, residential, and fire codes.

Calendar year: January 1st to December 31st.

Cap: Maximum number of Short-term Rental Units, excluding Short-term Rental Personal Units, that may be licensed in the single-family district as determined by the City Commission.

Compensation: Money or other consideration given in return for occupancy, possession, or use of a property.

Dwelling Unit: A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation. "Dwelling Unit" does not include Bed and Breakfasts, hotels and motels, and boarding houses.

Enforcement Officer: The person(s) appointed by the City who shall carry out various functions of this Chapter or cause other officials, inspectors, or relevant professionals to carry out various functions in order to implement and enforce the terms of this Ordinance.

Good Visitor Guide: Information prepared by the City's Planning and Zoning Department for distribution at all Short-term Rental Units.

License: An annual Short-term Rental license duly issued by the City of Boyne City in accordance with the provisions of this Ordinance.

License Holder: The owner who applies for and receives a short-term rental license from the City of Boyne City.

Local Agent: An individual designated to oversee the operations of the short-term rental unit in accordance with this Ordinance, and to respond to calls and complaints from renters, citizens, and the City's representatives within 45 minutes either in person or by telephone. If necessary, a representative must be able to be on-site within 45 minutes.

Maximum Occupancy: The maximum number of allowable occupants and the guests of those occupants for a short-term rental, as established by this Ordinance.

Occupant: Individual 10 years of age or older.

Personal Unit: An owner-occupied property with an accessory dwelling unit that is used as a short-term rental.

Single-Family District: The Traditional Residential District, as described and mapped in the Boyne City Zoning Ordinance.

Short-term Rental: A property that offers the rental of a dwelling unit for compensation for more than twenty-eight (28) days total per calendar year for terms no greater than twenty-nine (29) consecutive nights.

Transfer: A transfer of property of any type from a person to another person as defined under MCL 211.27a(6)(a)-(j), being part of Public Act 206 of 1893, as amended.

Section 15-3. Licensing.

An owner of any property located within the City of Boyne City shall not rent, or allow to be rented a Short-term Rental unless the owner has obtained a license for that dwelling unit in accordance with the requirements of this Ordinance.

- (1) All Short-term Rentals shall be licensed.
- (2) The initial license term shall be for the remainder of the calendar year the license is issued plus two (2) additional calendar years.
- (3) An initial license, if available, may be issued at any time.
- (4) An existing license term, for units in good standing, may be extended each year for one (1) additional year during the renewal period.
- (5) The renewal period for existing licenses shall be annually from November 1 through December 31.
- (6) Licenses that are not renewed on or prior to the to the last day of the license term shall expire.
- (7) Application form. A person seeking a Short-term Rental license under this Ordinance shall submit a complete Short-term Rental application, certified as being true, to the City. The application shall include all of the information specified on the Short-term Rental application form and any other information deemed reasonably necessary to determine whether the Short-

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term Rental standards and regulations under this Ordinance have been met. The License application form shall collect not less than the following information and other items as the City may deem necessary for implementation of this Ordinance:

- (a) Name, permanent address, email, and telephone number of the property owner and local agent for the Short-term Rental unit;
- (b) The street address of the Short-term Rental unit, along with other identification if more than one dwelling unit shares the same street address;
- (c) The number of bedrooms in each dwelling unit, and total number of allowable occupants per this Ordinance;
- (d) The identification of the number of available parking spaces and a diagram of parking available for guests;
- (e) A signed statement certifying the following:
 1. Each bedroom has a working smoke alarm, each floor has a working carbon monoxide detector, and the local agent will check those devices no less than every six (6) months;
 2. That the property is insured and the firm insuring the unit;
 3. The property owner or local agent will provide at least one copy of the City's Good Visitor Guide to the renters each time the dwelling unit is rented;
 4. A schematic will be supplied to renters as to where they can legally park and how many spaces.
- (8) A cap of the total number of Short-term Rental Unit Licenses issued per year in the single-family district may be set by resolution of the City Commission on or before the first City Commission meeting of December 2022, and any changes shall be made on or before the first City Commission meeting of December in subsequent years. Short-term Rental Personal Units are not included in the calculation of the cap.
- (9) Application fee. An application shall be accompanied by an application fee as established and set forth in the City fee schedule.
- (10) Complete application. Receipt of an application by the City does not mean an application is considered complete. If an applicant submits an incomplete application, they are not guaranteed a license.
- (11) Initial license applications for Short-term Rental units shall be processed on a first come, first served basis.
- (12) A short-term rental application shall not be considered accepted or complete until the City designee deems it to be complete. Furthermore, if the applicant fails to provide all the information required by this Ordinance and/or fails to pay the required fee, then the application shall be deemed incomplete and may be denied by the City on that basis.
- (13) Once deemed to be complete, if an application complies with all the standards and

regulations of this Ordinance and a license is available, the City shall approve the license.

(14) When a licensed property is transferred, the license will expire upon the transfer of the property.

(15) Licenses become void upon expiration, or revocation by the City under this Ordinance.

(16) The City Commission reserves the right to raise, lower or amend the number of Short-term Rental licenses at any time, but not to the detriment of existing licensed Short-term Rentals.

Section 15-4. Regulations.

(1) Local Agent. All licensed Short-term Rentals shall have a designated local agent, as defined by this Ordinance.

(2) Maximum occupancy. A Short-term Rental shall be permitted maximum occupancy of two (2) persons per bedroom plus two (2) persons per finished and legal floor for dwelling as described in this Chapter and as may be verified by inspections from time-to-time.

(3) Advertising of licensed Short-term Rental must include the license number and the maximum occupancy permitted in the unit.

(4) Compliance with codes. Short-term Rental unit must meet all applicable Residential Building, Health Department, Nuisance, and Safety Codes as necessary to protect the safety of occupants.

(5) All Short-term Rental owners and tenants are subject to the City of Boyne City Code of Ordinances.

Section 15-5: Violations and Penalties.

(1) A person who violates any provision of this Chapter may be responsible for a municipal civil infraction. Each day on which any violation of the Chapter continues may constitute a separate offense and subject to penalties as a separate offense.

(2) Tenants of Short-term Rentals are subject to the City of Boyne City General Code of Ordinances, including but not limited to noise, fireworks, trash, pets, and parking.

(3) Property owners of Short-term Rentals are responsible for violations relating to false or misleading statements in the registration process, including without limitation such items as, Short-term Rental local agent not responding to complaint/call within specified time period and advertising and/or hosting greater occupancy than permissible.

(4) Short-term Rental licenses may be revoked under the following circumstances;

(a) A first owner violation within any calendar year, shall result in a written warning. A second owner violation within the same calendar year, shall result in a municipal fine as set by resolution of the City Commission from time-to-time.

(b) A third owner violation within the same calendar year shall result in revocation of the license until the end of the calendar year. A minimum 14-day notice will be given to an owner for any revocation. As of one day following the notice of the third violation, no additional bookings may be made of the rental through the year-end. If there is a Short-term Rental license waiting list, revocation of a license will cause the property owner to

be placed at the bottom of the waiting list.

(c) An owner may appeal any a decision to revoke a license as listed in Section 15-6.

(d) If a complainant files a false report, they are subject to the applicable municipal civil infraction for filing a false report. For all complaints not requiring immediate police response, complainants are encouraged to document the violation, with photographs and/or recorded video, without encroaching on people or property and to report the violation, including any documentation, during the same or following business day to the police.

(e) If necessary information to verify a violation is not submitted as per section 5(d) the complaint shall be dismissed.

Section 15-6. Appeals.

(1) Appeal procedure. Upon a determination by the Enforcement Officer that the registration of a dwelling unit is subject to revocation pursuant to 15-5, the Enforcement Officer shall issue a notice to the owner and agent of the licensed Short-term Rental stating that the City intends to revoke the license.

(2) The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the license should not be revoked. If a hearing is requested and the fee is paid within 14 days of the service of the notice, the City shall schedule the hearing before the Short-term Rentals Appeals Board established by the City Commission and notify the owner and agent in writing of a time and place for that hearing.

(3) At the hearing, the owner and agent may present evidence that the requirements for revocation are not satisfied, or that the property owner and agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

(4) The Short-term Rentals Appeals Board shall independently determine whether there is competent, material and substantial evidence establishing a violation, and/or whether there is competent, material and substantial evidence establishing that extenuating circumstances exist.

Section 15-7. Conflict and Severability Clause.

All ordinances, resolutions and orders or part thereof in conflict with the provisions of this Chapter are to the extent of such conflict hereby repealed, and each section of this Chapter and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Chapter.

Section 15-8. Enactment and Effective Date.

This Chapter is hereby determined by the City Commission to be immediately necessary for the interest of the City. Consistent with City Charter Sec. 7.14, the effective date of this Chapter shall not be less than 15 days after enactment nor before publication thereof as required by City Charter Sec. 7.13.