

### **Proposed Changes to Section 3.13 Temporary Dwelling**

#### **Section 3.13 – Temporary Dwelling Occupancy during Construction of a Dwelling**

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no tent, camper, travel trailer, recreational vehicle, mobile home not installed according to the requirement of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and use for dwelling purposes except under the following applicable conditions:

## **Summary of proposed changes to the zoning regarding Swimming Pools and Spa**

### **Added to Definitions Section of the Zoning Ordinance Book:**

**Swimming pool:** means an artificial body of water used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool. This includes in-ground, above-ground, and on-ground swimming pools.

**Hot tub / Spa pool:** means a pool which is designed for use by more than 2 people at one time and which is not necessarily intended for swimming. A spa pool will typically have seating, agitation of the water, and water temperatures different than what is normal in pools for swimming.

### **Section 3.18 – Swimming Pools, Hot Tubs and Spas**

See the definition section for Pools, “Pool” shall be defined as a Swimming pool, exercise pool, or Hot Tub / Spa. All pools shall be regulated by this Ordinance, unless said pool is completely contained within a building that complies with the minimum provisions of the Zoning Ordinance, as amended.

All pools, Swimming Pools, Exercise Pools, and Hot tubs / Spa Pools are to be constructed according to Michigan Residential Codes and the 2015 International Swimming Pool and Spa Code.

Pools shall be permitted as an accessory use for the purposes of determining required yard spaces and maximum lot coverage, provided they meet the following requirements:

Swimming Pools on a lot used for a single family residence shall not require Planning Commission review and approval but shall require a Zoning Permit. All other pools shall be reviewed as part of a Plot Plan or Site Plan Review. The application for a Zoning Permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.

There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or alley right-of-way, and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet. A swimming pool may be established in the side yard of a corner lot.

There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

Pools shall be allowed only in side or rear yards except on waterfront lots where no pool is permitted in any yard without a Special Use Permit. The Planning Commission shall ensure that views of the water from abutting property are not unreasonably obscured by the pool, a fence, or related accessory structures.

No pool shall be located in an easement.

1.     Lighting: No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance or hazard to surrounding properties.

## **Summary of proposed changes to the zoning regarding Section 3.20 Short Term Rentals**

### **Added to Definitions Section of the Zoning Ordinance Book**

- a. Bedroom: A separate room with a door and window that is used or intended to be used specifically for sleeping purposes. A bedroom must be a habitable space, not be less than 70 square feet, not less than seven feet in one horizontal dimension, not located in the attic or basement without egress which meets standards in the applicable building, shall have two (2) legal means of egress to the exterior from the short-term rental. (A legal door or stair access to the lower level in the case of a loft and another means to escape to the exterior, such as a legal egress window, second door, etc.), meet residential and fire codes, and not a room by design intended to serve another purpose, such as a kitchen, dining area, den, family room, or living room.
- b. Tourist home: A short-term rental operation in which a portion of a dwelling unit is rented out where the owner of the property resides full-time in the dwelling unit and is primarily present at the time of occupancy.
- c. Vacation home: A short-term rental operation in which the entire dwelling unit is rented out without the property owner residing at the dwelling unit at the time of occupancy.

### **Section 3.20 Short Term Rentals**

- 1) **Summary:** The Blue Lake Township Short Term Rental Ordinance is designed to promote the public health, safety, and general Welfare and to encourage the use of dwellings in accordance with the character of the township.

#### **2) Registration Requirements**

##### **A) Registration & Permit**

- a) Term – A Short Term Rental Permit shall be valid for a period of 5 years from the date of approval.
- b) Fees – A application fee per physical location shall be submitted with the Permit Application. Refer to the Schedule of Permits.
  - (i) Application fees are not refundable in the event a permit is denied.
  - (ii) The fee will apply to renewal applications.
- c) Responsibility. It shall be the responsibility of the owner of a vacation home or tourist home to register the operation and obtain a permit from the township.
  - (i) Application. The owner shall truthfully provide and certify as true the following on a form prepared and supplied by the township:
    - (a) Name, address, telephone number, and email of the owner of the vacation home.
    - (b) Name, address, telephone number, and email of the designated local agent.
    - (c) The number of bedrooms in the vacation home intended to be used by occupants.

- (d) A sketch of designated parking spaces.
- (e) An affidavit signed by the owner acknowledging the provisions of this article, and all applicable local and state laws.

**B) Revocation of Permit**

- a) Violations.
  - (i) Violations. Any violation of the provisions of this article, or any other applicable local, state or federal article shall be deemed a violation of this article. Each day a violation continues shall constitute a separate violation.
  - (ii) Nuisance per se. A violation of this article shall be a nuisance per se. The township shall have the right to commence a municipal civil action to enforce compliance with this article.
  - (iii) Administration. Blue Lake Township Zoning Administrator is authorized to issue all permits under this article, and along with the township code compliance office and the County Sheriff Department, is authorized to issue civil infraction violations notices, and/or civil infraction citations for violations of this article.

**C) Penalties.**

- a) Penalties. The following penalties shall apply for violating this article:
  - (i) Short term rental without a permit.
    - (a) First violation. The first violation in a calendar year shall result in a notice of violation delivered to the property owner through certified mail.
    - (b) Second violation. The second violation in the same calendar year shall result in a municipal infraction subject to a fine of \$100.00, and a court appearance with applicable court costs.
    - (c) Third violation. The third violation in the same calendar year, or as determined by the court, could involve an additional court appearance and/or a contempt of court charge.
  - (ii) Violation notice. If the Office of Planning & Zoning has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short-term rental no longer complies with the standards for approval of a new Permit; and/or the short-term rental is in violation of the regulations in this ordinance, the Office of Planning & Zoning may, but is not required to, prepare or cause to be prepared a written notice specifying the false, incorrect, or misleading information and/or statements in the application material or specifying the approval standards or regulations that are allegedly being violated and the factual basis for this belief.
    - (a) Service of notice. The written notice, along with the time, date, and place of the hearing before the Township Board, shall be served on the permit holder either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.
    - (b) Violation hearing. If such a violation notice is prepared and served, the Township Board shall hold a hearing at which time the permit holder shall be given an opportunity to show cause why the short-term rental permit issued under this ordinance should not be suspended or revoked. At the hearing before the Township Board the permit holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The permit holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder.
    - (c) Subsequent violations. After a short-term rental permit has been suspended, any additional violation(s) committed by the permit holder and/or local agent

within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental permit, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental permit holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Township Board may permanently revoke the short-term rental permit.

- (d) Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately. Suspensions/revocations shall be for the following periods:
  - (i) First suspension - three (3) months.
  - (ii) Second suspension - six (6) months.
  - (iii) Revocation - 36 months
- (e) Duration. Upon revocation of a short-term rental permit, a property owner may not reapply for a new short-term rental permit for the dwelling at that address, or any additional dwellings in the township, for a period of 36 months.
- (f) Subsequent revocations. Any property owner who has had a short-term rental permit revoked twice for the same short-term rental shall be permanently prohibited from operating a short-term rental at that location. Furthermore, the property owner shall be prohibited from applying for any additional, new short-term rentals in the township. If the property owner has other short-term rentals permitted in good standing in the township at the time of the prohibition, then the property owner shall be allowed to reapply for a permit for those existing short-term rentals.
- (g) Existing contracts. Existing short-term rental contracts up to 60 nights beyond the beginning date of any suspension/revocation may be honored by the permitholder with approval by the Township Board. Those existing contracts beyond 60 nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.
- (h) Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this ordinance and may be subject to court enforcement proceedings and penalties.

(iii) New permit required upon transfer of ownership.

- (a) A short-term rental permit issued under this ordinance shall become void upon the transfer of ownership of the dwelling unit, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit. A new short-term rental permit shall then be obtained from the Office of Planning & Zoning pursuant to the requirements and regulations set forth in this ordinance before short-term rentals may be resumed in the dwelling unit.

- 3) No person shall rent or cause to be rented a dwelling unit or efficiency dwelling unit within Blue Lake Township for a period less than thirty (30) days without first registering with the Township Zoning Administrator pursuant to the requirements of this Ordinance. A registration fee may be charged.

4) Approval Standards

- A) The appearance and use of the dwelling shall not conflict with the single family residential character of the neighborhood. The structures shall be properly maintained and kept in good repair, in order that the use in no way detracts from

the general appearance of the neighborhood. Garbage must be bagged and kept in a closed container and disposed of on a regular weekly schedule.

- B) The Maximum occupancy shall not exceed the lesser of two occupants per bedroom plus four additional occupants.
- C) The property owner shall inform the township of any renovations or additions to the vacation home that will result in an increase in the maximum occupancy.
- D) Smoke Detectors and Carbon Monoxide Detectors are to be installed per current building codes.
- E) The street address of the premises and emergency contract phone numbers shall be clearly displayed in the short-term rental for access by the occupant(s).
- F) Motor vehicles, boats, campers and trailers shall be parked on the short-term rental premises and not parked along any public or private roadway.
- G) Septic - Proof of function and pumping.
  - a) Wastewater Disposal. For those short-term rentals not connected to a public sewer system, the wastewater disposal system shall be properly functioning, be maintained in a properly functioning condition, and examined a minimum of once every five (5) years. As used in this subsection, "properly functioning" may include, but shall not be limited to, written documentation from a commercial septic hauler that the holding tank is being pumped on a regular basis given the size of the holding tank and that at least once every five (5) years the septic tank and/or dry-well has been pumped or that pumping is not required at the time of the examination. Such documentation to be provided in the registration renewal application.
  - b) No external sanitary facilities will be allowed.
- H) Garbage must be bagged and kept in a closed container and disposed of on a regular weekly schedule.
- I) The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person should be available to accept telephone calls on a 24 hour basis in case of emergencies.
- J) The Owner or a Managing Agency or Agent or Contact shall provide the tenant or lessees of a Short-term Residential Rental with the following information and rules prior to occupancy of the Premises and Post such information in a conspicuous place within the dwelling on the premises:
  - a) The name of the Contact Person, and a telephone number at which they may be reached on a twenty-four hour basis.
  - b) Garbage disposal rules and days of disposal along with the location of the receptacle.
  - c) Lake rules and regulations.
  - d) No External *sleeping facilities* will be allowed.
  - e) All parking must be off street
  - f) Road End Usage per Blue Lake Township Ordinance No. 1 of 2002 and Public Access rules must be posted in a conspicuous manner.
  - g) Pets need to be confined to the property except when on a leash.

- h) Campfires shall be in designated "fire pit" areas away from water's edge, trees, and property lines. Fires must be attended at all times and properly extinguished after use.
  - i) No fireworks will be allowed except in accordance with State and local laws.
  - j) Tenants of a property used for Short-Term Rental use shall not create a nuisance or interfere with the quiet, comfort or repose of a reasonable person's normal sensitivity
  - k) All activities must adhere to the local and state laws and shall not encroach on neighboring properties.
- K) A Property Owner / Operator may be cited or fined by the Township, in addition to the Occupants and any other remedies available by law, for violating any provisions of the Ordinance.



**Proposed revisions regarding dwelling height definitions**

**Dwelling Height:** The elevation measured from the highest finished grade to the highest point of the roof. No portion of the structure's roof (except chimneys) may exceed the height allowed in the specific district regulations.

**Accessory Building Height:** The Elevation measured from the floor to the peak. No portion of the structure's roof (except chimneys) may exceed the height allowed in the specific regulations.

## **Proposed revisions to the Fireworks Ordinance**

### **Blue Lake Township**

### **Ordinance Number ??? of 20??**

***(Side note: This replaces Ordinance #05062015-2 of 2015)***

AN ORDINANCE TO REGULATE FIREWORKS ACTIVITIES AND USAGE AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

### **The Township of Blue Lake Ordains:**

#### **Section 1: Purpose**

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Blue Lake Township residents, Blue Lake Township hereby provides for the regulation and use of fireworks in Blue Lake Township.

#### **Section 2: Definitions**

For purposes of this Ordinance, the following definitions shall apply.

1. 1. Articles of pyrotechnic: Pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN)431 under 49 CFR 172.101.
2. APA: American Pyrotechnics Association
3. Consumer fireworks: Fireworks devices that are designed to produce effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5 Consumer fireworks does not include low-impact fireworks.
4. Department: Department of Licensing and Regulatory Affairs (LARA), State of Michigan.
5. 5. Display fireworks: Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49CFR 162 and APA standard 87-1, 4.1.
6. Firework or fireworks: Any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impacted fireworks, articles of pyrotechnic, display fireworks and special effects.

7. Low-impact fireworks means ground and handheld sparkling devices and that phrase is defined under APA standard 87-1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. Minor: Individual who is less than 18 years old.
9. NFPA: National Fire Protection Association.
10. Novelties: As defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5 and all of the following:
  - a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.
  - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and guns in which toy caps as described in the above paragraph are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by explosion.
  - c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
11. Person: Individual, agent, association, charitable organization, company, Limited Liability Company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.
12. Special effects: A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as in integral part of a motion picture, radio television, theatrical or opera production or live entertainment.

### **Section 3: Novelties**

This Ordinance does not apply to and does not regulate the use of Novelties or low impact fireworks in Blue Lake Township.

### **Section 4: Consumer Fireworks**

1. Consumer fireworks may only be used in Blue Lake Township subject to the following requirements and restrictions:
  - a. After 11 a.m. on December 31 and until 1 a.m. on January 1.
  - b. After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day.
  - c. After 11 a.m. and until 11:45 p.m. on June 29 through July 4.
  - d. If July 5 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
  - e. After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.
2. Consumer fireworks shall not be used if a burn ban is in effect.

3. A person shall not ignite, discharge or use consumer fireworks on public property, school property, road ends, churches, parks, public road ends, or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.
4. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.
5. The use of consumer fireworks will only be allowed by a person 18 years or older in accordance with the Michigan Fireworks Safety Act 256 of 2011 as amended.
6. A permit is required for the use of display fireworks per state regulations.

If the State law changes, that supersedes this ordinance.

#### **Section 5: Violations and Penalties.**

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of \$1,000 (one thousand dollars) for each violation of the Ordinance and no other fine or sanction. \$500 (five hundred dollars) of the fine collected under this Ordinance shall be remitted to the Kalkaska County Sheriff's Office, which is responsible for the enforcement of this Ordinance.
2. Each day this Ordinance is violated shall be considered a separate violation.
3. Violations of this Ordinance may be reported to the Kalkaska County Sheriff's Department.

#### **Section 6: Enforcement Officials.**

The Township Supervisor, Zoning Administrator and police officers of the Kalkaska County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

#### **Section 7: Nuisance Per Se.**

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

#### **Section 8: Severability**

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

### **Section 9: Conflicts**

If any provision of the Blue Lake Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of the zoning Ordinance Amendment shall control.

### **Section 10: Effective Date**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Blue Lake

By:

Blair Shearer, Supervisor

Adoption date: xx/xx/xxxx

By:

Tracy Nichol, Clerk

Effective date: xx/xx/xxxx

## **Proposed Ordinance for regulating Shipping Containers and Semi-Trailer**

### **Shipping Container and Semi-Trailer**

Ordinance regulating the placement and use of shipping containers and semi-trailers in Blue Lake Township.

1. The purpose of this ordinance is to protect the public health and safety and the aesthetic quality of the Township.
2. Containers defined above in this ordinance shall not be permitted on properties zoned lakeshore residential and residential.
3. Containers defined above may be permitted on properties zoned Agricultural, Commercial and Industrial, Conservation Resource, and Rural Residential under the following conditions:
  - a. Property must have a minimum of 5 acres.
  - b. A zoning permit demonstrating that all of the following requirements will be met is required before placement.
    - i. Placement must be no closer to the road/street than the principal building on the property and must meet all set-back requirements of traditional construction.
    - ii. Must be no larger than the allotted square footage of permitted accessory structures.
    - iii. Must not be visible from abutting roads or lots adjacent to the landowner. This may be accomplished by location, trees, shrubs, landscaping, or fencing.
    - iv. Must not be stacked above the height of a single unit
4. The use must be accessory to the permitted use of the property.

## **Proposed Revisions to Section 3.05 Home Based Business Ordinance**

### **Additions and changes to Definitions;**

**Home Business:** A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into **three** classifications defined below:

**Home Occupations:** A profession or occupation conducted within a dwelling, or an attached garage, which is clearly incidental and secondary to the use of the lot, or dwelling for residential purposes. Home occupations are regulated by **Section 3.05.1**

**Cottage Industry:** An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by **Section 3.05.2**

**Home Based Business:** The performance of a service or trade away from the home but may involve the storage of goods or equipment within a garage or single accessory structure on the parcel. This may also include the performance of clerical work associated with the *Home Based Business*. *Home based businesses* are regulated by **Section 3.05.1**

### **Section 3.05 – Home Occupations and Home Based Businesses**

While Blue Lake Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. **Home Occupations and Home Based Businesses**
  - A. Home occupations and Home Based Businesses shall be permitted in all zoning districts in which single-family dwellings are permitted as a matter of right, provided the standards of this Ordinance are met.
  - B. Home Occupations and Home Based Businesses shall be operated in their entirety within the dwelling or an attached garage.
  - C. Home Occupations and Home Based Businesses shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one non- resident person shall be employed at the given premises to assist with the business.
  - D. Additions to a dwelling for the purpose of conducting a Home Occupation and / or Home Based Businesses shall be of an

architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.

- E. Home Occupations and Home Based Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.

Home Occupations and Home Based Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

- F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- G. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- H. There shall be no parking permitted within any setback areas.
- I. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.