

**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:

## **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.

## **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.