

CITY OF SAINT IGNACE
MACKINAC COUNTY, MICHIGAN

SHORT-TERM RENTAL ORDINANCE
Ordinance No. 38-364 of 2021

AN ORDINANCE TO ADD ADDITIONAL DEFINITIONS TO SECTION 38-5, AND DELETE SECTION 38-358, "BED AND BREAKFAST". THE PURPOSE OF ORDINANCE NO. 38-364 IS TO PERMIT AND REGULATE SHORT-TERM RESIDENTIAL RENTALS WITHIN THE CITY OF SAINT IGNACE, TO ENSURE THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF SAINT IGNACE ORDAINS:

PART 1. The City of Saint Ignace, Michigan, Code of Ordinances is hereby amended to add the following definitions to Section 38-05 Definitions:

Bathroom means a room containing a toilet, a sink, and a bathtub or shower.

Camp or camping means the use of a camping unit or similar shelter for overnight accommodations (11:00 p.m. to 7:00 a.m., or a significant portion thereof) or for other temporary living.

Camping unit means portable outdoor overnight sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including a tent, tent trailer, motorhome, travel trailer, pop-up or truck-mounted trailer, recreational vehicle, camper van, or other shelter used for temporary living.

Occupancy means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a dwelling unit or having possession of a space within a dwelling unit. "Occupant" does not include guests visiting a dwelling unit between the hours of 6:00 a.m. and 11:00 p.m.

Operator means any person or entity working on behalf of the Owner who has charge, care, or control of a dwelling unit, which is offered as a short-term rental.

Owner means the person or entity that holds legal or equitable title to the dwelling unit (or portion thereof).

Parcel means a continuous area or acreage of land under common ownership. "Parcel" includes a single condominium unit.

Person means an individual, trustee, personal representative, conservator, receiver, agent, firm, corporation, association, partnership, limited liability company, or other legal entity.

Short-Term Rental means any dwelling or condominium or portion(s) thereof, that are available for use or are used for accommodations or lodging of a guest paying a fee or other compensation for a period of less than thirty (30) consecutive days.

Part 2. The City of Saint Ignace, Michigan, Code of Ordinances is hereby amended to add Chapter 38-364, which shall be titled as follows:

Sec 38-364 Short-term Rental (Residential) Operations and Regulations.

(a) Categories of Operation

(1) Category 1, Owner-occupied. Bed and Breakfast is an owner-occupied single-family dwelling unit, which is the principal residence of the owner, and said owner shall live on the premises when the short-term rental of a sleeping room or rooms is active.

AND

Owner-occupied, two (2) or more dwelling units where the owner resides on a property which is their principal residence, but where the owner does not live in the dwelling unit rented by the guest, but lives in a dwelling unit under the same roof such as a duplex, triplex, or apartment building, or on the same parcel, such as an accessory dwelling unit, when the Short-term Rental is active.

(2) Category 2, Not Owner-occupied. The Short-term Rental is on property that is not the property owner's principal residence, or where the property owner resides on a different property or parcel than the one occupied by the guest when the Short-term Rental is active.

(b) Permit Required. No person shall permit, allow, or offer a dwelling unit to be used as a Short-term Rental, nor enter into a Short-term Rental agreement concerning a dwelling unit within the City of Saint Ignace without first obtaining a Short-Term Rental Permit (hereinafter referred to as "Permit") from the City pursuant to the requirements of this Ordinance. Where a property contains more than one dwelling unit being used as a Short-term Rental, each dwelling unit must have a separate Permit. No Owner may obtain and hold more than three (3) Permits during the same permit period.

The total number of Permits issued for Short-term Rentals in residential R1, R2, R3, and R4 districts is limited to fifty (50). Once fifty Permits have been issued, a chronological Waiting List will be established. To be included on the Waiting List, Owners are required to list the address of the property for which they are requesting a Permit and pay the Permit application fee.

No Permit may be issued for a property that will not be made available for rent or rented within thirty (30) days of issuance of a Permit, and property must be available for rent for at least four (4) months of a Permit Year (June 1 – May 31) A Permit shall be revoked by the City Assessor if the Assessor

determines that the Permit was not obtained in good faith, and the unit was not made available for rent or rented during a period of at least four (4) months of the Permit Year.

A property owner applying for a Permit may request a variance from the Zoning Board of Appeals to delay the starting date of the Permit period and to prolong the time between Permit issuance and availability of rental to perform repair/improvement, sanitation/pest extermination, or mitigation of damage from natural or man-made disaster. Such a variance may be renewed one (1) time, for one (1) additional period of twelve (12) months if repair work is ongoing.

A revocation of a Permit under this section shall not prohibit a property owner from re-applying for a Short-term Rental Permit at any time as long as all requirements are met.

(c) Application and Fee Requirements. An operator seeking a Permit under this Ordinance shall submit a completed application to the City Manager or his or her designee and pay the required fee, which shall be determined from time to time by resolution of the City Council. The fee schedule adopted by the City Council may include an enhanced fee for dwelling units found to have been operating as unpermitted Short-term Rentals in violation of this Ordinance. The application shall include proof of ownership of, or the legal right to rent a dwelling unit, contact information for the Owner and the Operator (if different from the Owner), and all information reasonably necessary for the City Manager or their designee to determine whether the applicable standards for approval have been met. The City Council may approve the form and content of the application by resolution.

(d) Standards for Approval. The City Manager or their designee shall approve, or approve with conditions, an application for a Short-term Rental Permit only upon a finding that the dwelling unit complies with all of the following applicable standards:

- (1) Guest Register. Every operator shall keep a list of the names of the registered guests and the total number of guests staying at the Short-term Rental in addition to the registered guests.
- (2) Bedrooms and Sleeping Rooms. The size and occupancy of rooms used for sleeping purposes shall comply with all current State of Michigan applicable code requirements, including the International Property Maintenance Code (Saint Ignace Code of Ordinances, Chapter 6 Buildings and Building Regulations, Article III; Property Maintenance Code, Section 6-61).
- (3) Parking. The property owner shall designate to guests the location(s) of legal parking spaces for all Short-term Rentals.
- (4) The appearance and upkeep of the dwelling shall not conflict with the residential character of the neighborhood and be consistent with Chapter 12 Environment and Chapter 38-361 Appearance and Upkeep.
- (5) Fire Safety and Emergency Access.

[a] Smoke Alarms. Smoke detectors/alarms shall be installed in each rental unit. All smoke detectors/alarms shall be UL (Underwriters Laboratories, Inc.) approved, and shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.A. Smoke detectors/alarms shall be installed in the following locations:

[1] In each bedroom or sleeping room.

[2] Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

[3] On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

[b] Bedroom and Sleeping Room Emergency Window Access.

[1] Every bedroom and sleeping room shall have an egress door or window meeting the current fire code for ingress and egress in an emergency or is acceptable to the Fire Chief.

[2] No bedroom or sleeping room shall be located in a basement unless the basement meets current code requirements for ceiling height and contains a doorway open to the outside or contains a window meeting ingress and egress emergency standards.

[c] Fire Extinguishers. An operable fire extinguisher shall be located and visible at an exit door on every floor level, including the basement and in the kitchen area.

(6) Designated Representative. The Owner or Operator of a Short-term Rental shall identify a Designated Representative as a contact person at least eighteen (18) years of age, responsible to act on behalf of the Owner or Operator when the Owner or Operator is not immediately available to respond to calls of nuisance or emergency. The Designated Representative is granted authority by the Owner or Operator to enforce rental agreements and to stand in the place of the Owner or Operator in order to make decisions when reasonably requested to do so by emergency services, utility companies, City Assessor, City Manager, or employees of DPW when acting in the ordinary course of business. The Owner or Operator shall provide the name, address, and a current 24-hour working phone number of the Designated Representative to the City Manager. Said Designated Representative must be available during the rental period within a thirty (30)-minute drive of the dwelling unit or authorize an alternate person eighteen (18) years of age or older who can respond within thirty (30) minutes.

(7) Zoning Compliance. No person shall be granted a Short-term Rental Permit unless the dwelling unit is in compliance with applicable City of Saint Ignace Zoning Ordinances.

Nothing in this Ordinance shall be construed as excusing compliance with the requirements of City of Saint Ignace Zoning Ordinances.

(8) State Law Compliance. No person shall be granted a Short-term Rental Permit unless the dwelling unit is in compliance with applicable requirements of the State Building Code, State Residential Code, State Mechanical Code, State Plumbing Code, National Electrical Code, and the Michigan Fire Prevention Code.

(9) Certification by Applicant. As part of the application, the applicant shall certify that the foregoing standards have been met. The City may deny or revoke a Permit if the statements or representations made on the application are determined by the City Manager to be false or materially misleading. The applicant may appeal the City Manager's decision to the City Council in the manner provided by 38-364 (g)(3) of this Ordinance.

(10) Per Ordinance Section 38-121, Ordinance Section 38-151, and Ordinance Section 38-181, no Category 2 Short-term Rental unit will be allowed in residential zoned R1, R2, R3, and R4 districts without a variance.

(11) Variance requests related to Short-term Rental units shall be directed to the Zoning Board of Appeals.

(12) Once granted, a variance allowing a Category 2 Short-term Rental transfers with the property. A new property owner must apply for a Permit as described in this ordinance, No. 38-364, part 2, (e) Permit (3) ownership.

(e) Permit.

(1) Duration. A Short-term Rental Permit shall be valid for the year the Permit was obtained, starting 12:00:00 a.m. on June 1 and ending 11:59:59 p.m. on May 31 of the following year, herein referred to as the "Permit Year".

(2) Transferability. A Permit may not be transferred from one dwelling unit to another dwelling unit.

(3) Ownership transfer of Permit. A Permit may not be transferred or assigned to any third party except heirs and assigns, and the Permit shall be void upon transfer of ownership of the property where the Short-term Rental use is located. Upon change of ownership, the new Owner must apply for a new Permit in order for Short-term Rental use activity to be authorized.

(4) The City will make available to the public the information shown on the Short-term Rental Permit.

(5) Display. The Permit shall be displayed within the dwelling unit and contain the following information:

[a] Contact Person Information. The name of the Owner or Designated Representative and a telephone number at which they may be reached on a twenty-four (24)-hour basis.

[b] Maximum Number of Occupants. The Permit shall display the maximum number of occupants permitted at a dwelling unit. No person shall allow or permit a dwelling unit to exceed the maximum number of occupants stated on the Permit.

[c] No paying guest shall camp or allow any person to camp on the property upon which a Short-term Rental is located. This prohibition includes the occupation of tents, bivy sacks, campers, trailer coaches, camper trailers, vehicles, recreational vehicles, travel trailers, camping units, or any other temporary shelter located on the land upon which a Short-term Rental is located pursuant to a permit issued under 38-364 (d).

[d] Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this and other applicable ordinances.

(6) Guest information. When the property owner is not present on the property during Short-term Rental use, the following information is to be provided to guests:

[a] Emergency egress information for the dwelling unit.

[b] Applicable off-street and on-street parking standards, requirements, and regulations.

[c] Applicable campfire regulations and restrictions.

[d] Requirements for trash collection and schedule for curbside pick-up.

[e] List of ordinances applicable to Short-term Rentals.

(f) Nuisance. A violation of this Ordinance is hereby declared to be a public nuisance per se and is hereby further declared to be offensive to the public health, safety, and welfare. All violations of this Ordinance shall be abated by a court of competent jurisdiction.

(g) Violations; Revocation of Permit.

(1) Violations as Municipal Civil Infractions. Any person who violates any provision of this Ordinance shall be responsible for a Municipal Civil Infraction. Each day that a violation

occurs constitutes a separate offense. Penalty, see Chapter 1 Section 1-7. Fees, Section 1-8 General Penalty; Continuing Violations, Section 1-9 Municipal Civil Infractions.

(2) Revocation of Permit. The City may revoke the Short-term Rental Permit for any dwelling unit which is the site or subject of at least three (3) separate incidents or violations of this Ordinance (occurring on three (3) separate days) within the Permit Year resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the Owner. If an Owner demonstrates they properly posted rules and information, and a renter is ticketed one time for a violation, this will not apply to the property owner with respect to revocation of Permit. Repeated (two (2) or more) tickets to the renter for the same offense at the same property will be applied as a single violation to the property owner. Revocation is for violations referenced above.

(3) Upon a determination by the City Manager, the Permit of a dwelling unit is subject to revocation pursuant to subsection (2). The City Manager shall issue a notice to the Owner and Operator or Designated Representative that the City intends to revoke the Permit by certified mail to the addresses listed on the Permit. The Owner and Operator or Designated Representative may, within thirty (30) days from the date the notice was sent, request a hearing before the Zoning Board of Appeals to show cause as to why the Short-term Rental Permit should not be revoked. If a hearing is requested, the City Manager or his or her designee shall notify the Owner and Operator or Designated Representative of the time and place of the hearing. At the hearing, the Owner and Operator or Designated Representative may present evidence that the violations of this Ordinance were due to or caused by extraordinary circumstances. The Zoning Board of Appeals may, in its discretion, reverse the determination of the City Manager to revoke the Permit by a majority vote.

(4) Duration of Revocation. No Permit shall be issued to an Owner for a period of twelve (12) months following the revocation of a Short-term Rental Permit.

(h) Enforcement Officials. The City Manager or their designee, Ordinance Enforcement Officer, Building Inspector, Fire Marshall, and any City police officer are hereby designated as the authorized officials to issue and serve municipal civil infractions directing alleged violators of this Ordinance to appear in court.

(I) Civil Action. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the 92nd District Court for the County of Mackinac to abate or eliminate the nuisance per se or any other violation of this Ordinance. Any person determined by the Circuit Court to have violated this Ordinance shall be responsible for all costs, including actual reasonable attorney fees incurred by the City in the enforcement of this Ordinance. Such costs of enforcement shall constitute a lien against the parcel upon which the dwelling unit is located, and the City Treasurer shall certify the costs of enforcement to the Tax Assessor or other responsible official, who shall place the same on the next tax roll. The costs of enforcement so assessed shall be collected in the same manner as general City taxes.

(j) Severability. If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.

(k) Effective Date. This Ordinance shall become effective ninety (90) days after notice of adoption is published in a newspaper of general circulation within the City.

AYES: Mayor Pro-Tem St. Louis, Councilmembers Tremble, Clapperton, Mayor Litzner and Councilmember Pelter.

NAYS: Councilmember LaLonde.

ABSTAIN: Councilmember Fullerton.

ABSENT: None.

ORDINANCE DECLARED ADOPTED.

Connie Litzner,
City Mayor
City of Saint Ignace

Andrea Insley,
City Clerk/Treasurer
City of Saint Ignace

STATE OF MICHIGAN)
) ss.
COUNTY OF MACKINAC)

I hereby certify that the foregoing is true and complete.

Introduced: September 8, 2021
Adopted: September 8, 2021
Published: September 16, 2021
Effective: December 15, 2021