



City of Harbor Springs

160 Zoll Street | P.O. Box 678
Harbor Springs, Michigan 49740-0678

www.cityofharborsprings.com

(231) 526-2104

Application for Short Term Rental License The Short Term Rental License is to be filed annually

Applicant's Name: _____	Owner's Name: _____
Applicant's Address: _____	Owner's Address: _____
Applicant's Phone: _____	Owner's Phone: _____
E-mail: _____	E-mail: _____

Short Term Rental Location _____ Property Tax Parcel I.D. #24-51-15- _____

Time periods during the calendar year when the dwelling unit will be available: _____

City Code Section 79.102(1) A Local Agent is an individual designated by the owner(s) of a dwelling unit to oversee the short-term rental of a dwelling unit in accordance with this Chapter and to respond to calls from renters, concerned citizens, law enforcement, and representatives of the City. The Local Agent must be available to accept telephone calls on a 24 hour basis at all times that the dwelling unit is rented and occupied. The Local Agent must have a key to the dwelling unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The Local Agent shall be authorized by all owners to accept service of process upon all owners, jointly and severally, for civil infractions under this Ordinance.

Local Agent's Name: _____

Local Agent's Address: _____

Local Agent's Phone: _____

E-mail: _____

Check each box to indicate agreement and compliance

- All owners and the Local Agent will comply with all provisions of this Chapter, the City Code and the City Zoning Code as it pertains to the dwelling unit;
- All owners and the Local Agent acknowledge that any license issued under this Chapter may be suspended or revoked if persons renting the dwelling unit violate the provisions of this Chapter or the City Code or Zoning Code, or the laws of the State of Michigan, the ordinances of the County of Emmet, or the regulations of the Health Department; and,
- The applicant has authority to make these representations on behalf of the owners and Local Agent.
- A notice (in a form to be prepared by the City Clerk) shall be posted in a prominent first floor door or window location of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the Local Agent, a 24-hour telephone number with which the agent can be reached.

I understand and agree to the terms of this license agreement and commit to comply with all of the conditions and assurances given above:

Applicant Signature Date

Local Agent Signature Date

Administrative Use: This License expires December 31 of the year it is approved

Zoning District _____ Approved Denied

Fee \$400 By: _____ Date _____

Title _____



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Chapter 79

LICENSING OF SHORT TERM RENTAL OF RESIDENTIAL PROPERTIES

79.100 Purpose. This Chapter 79 is adopted to regulate the short term rental of residential properties by requiring licenses therefor, and imposing civil infractions for the violation thereof.

79.101 License Required for Short-Term Rental of Residential Properties. No person shall allow, or advertise for, or engage in or participate in the short term rental (as defined in Section 79.102(2)) of residential properties within the City of Harbor Springs without a license as required by this Chapter. The short-term rental of an unlicensed dwelling unit is prohibited.

79.102 Definitions.

(1) **Local Agent.** A Local Agent is an individual designated by the owner(s) of a dwelling unit to oversee the short-term rental of a dwelling unit in accordance with this Chapter and to respond to calls from renters, concerned citizens, law enforcement, and representatives of the City. The Local Agent must be available to accept telephone calls on a 24 hour basis at all times that the dwelling unit is rented and occupied. The Local Agent must have a key to the dwelling unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The Local Agent shall be authorized by all owners to accept service of process upon all owners, jointly and severally, for civil infractions under this Ordinance.

(2) **Short-Term Rental.** A Short-Term Rental is the making of occupancy available for any residential dwelling unit or portion thereof for a fee or other compensation for a term of less than 30 consecutive days, but not including bed and breakfast establishments, employee housing, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, and hospitals or other health care related facilities.

(3) **Dwelling Unit.** A dwelling unit shall mean a dwelling unit as defined in the City of Harbor Springs Zoning Code, as amended from time to time.

79.103 Licensure Requirements. Short-term rental licenses shall be issued to the owners of a dwelling unit on a calendar year basis. All short-term rental licenses shall expire at the end of the calendar year and must be renewed each year. A Local Agent must be designated and approved by the City Clerk prior to issuance of a license.

79.104 Application. To apply for license to use a dwelling unit for short-term rentals, the property owner or an agent of the owner shall, for each dwelling unit on a property;

- (1) **Provide Information.** The applicant shall provide the following information on a form to be provided by the City:
 - (a) The names, addresses and telephone numbers of each owner of the dwelling unit.
 - (b) The name, address, and telephone number of the Local Agent for the dwelling unit.
 - (c) The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
 - (d) The time periods during the calendar year when the dwelling unit will be available for short term rental.
 - (e) Such other information as the City deems appropriate.
- (2) **Sign an Affirmation and Acknowledgment.** The applicant shall sign as part of the application, a statement to affirm that:
 - (a) All owners and the Local Agent will comply with all provisions of this Chapter, the City Code and the City Zoning Code as it pertains to the dwelling unit; and,
 - (b) that all owners and the Local Agent acknowledge that any license issued under this Chapter may be suspended or revoked if persons renting the dwelling unit violate the provisions of this Chapter or the City Code or Zoning Code, or the laws of the State of Michigan, the ordinances of the County of Emmet, or the regulations of the Health Department; and,
 - (c) that the applicant has authority to make these representations on behalf of the owners and Local Agent.
- (3) **Pay an Administrative Fee.** The applicant shall pay an annual administrative fee as determined from time to time by Resolution of the City Council.

79.105 Issuance of a Short-Term Rental License. Upon receipt of an application for a short-term rental license, and upon receipt of the administrative fee, and upon a determination by the City Clerk that the applicant's license was not revoked in any prior calendar year, and that any fines and costs and conditions of any order issued pursuant to Section 79.109 have been fully satisfied, and if the application appears to be complete and in accordance with the requirements of this Chapter, the City Clerk shall issue a short-term rental license to the owners of the dwelling unit for the calendar year in which the application is submitted. A short-term rental license shall not be issued to the owners of a dwelling unit if the license has been previously revoked, except upon appeal to the City Council as provided in Chapter 70 of this Code.

79.106 Regulations.

- (1) **Local Agent.** All dwelling units used for short-term rentals shall have a designated Local Agent, who shall be authorized to accept service of process for civil infractions under this Chapter on behalf of all owners, jointly and severally.
- (2) **Contact Information Posted in Window.** A notice (in a form to be prepared by the City Clerk) shall be posted in a prominent first floor door or window location of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the Local Agent, a 24-hour telephone number with which the agent can be reached.
- (3) **Compliance with Codes.** The dwelling unit must meet all applicable residential building, health department, nuisance, and safety codes, and all persons in possession of the dwelling unit shall comply with all provision of State law, the City Code and City Zoning Code.
- (4) **Noise and Nuisance.** Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 7:00 AM. All provisions of the City Code and Zoning Code pertaining to noise and other nuisances shall apply, including Sections 60.111(2), Sections 60.400 to 60.411 and Sections 90.101(23) and 90.101(24) of the City Code.
- (5) **Trash and Recycling.** Trash containers and or recycling containers shall not be placed at the curb or in the front of a short-term rental location, except upon the date when trash removal or recycling pickup is scheduled by a general commercial vendor or the County recycling department for the area where the short term rental property is located. Any trash must be contained within an enclosed container, and no littering is permitted. Trash and recycling containers shall be removed from the curb and stored out of sight from public view once emptied.
- (6) **Pets.** Short-term renters shall pick-up and dispose of pets' waste and shall comply with the City's leash laws, and all other provisions of Section 60.110 of the City Code.
- (9) **Fireworks.** Fireworks of any kind are not allowed on rental property except in accordance with the provisions of Section 90.101(4) of the City Code.

79.107 Inspections and Conditions. Upon written complaint, the City Clerk may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in this Ordinance. In addition, the City Clerk may impose reasonable conditions on a registration issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in this Ordinance.

79.108 Suspension or Revocation of Short Term Rental Registration.

- (1) **Grounds for Suspension.** In addition to any other penalty authorized by law and this Chapter, and after written notice to the owner and Local Agent and an opportunity to be heard, as provided in subparagraph (2) of this Section, the City Clerk may suspend a short term rental license if the City Clerk finds by competent, material, and substantial evidence that the owner or his or her agents or employees or his or her renters has or have violated, or failed to fulfill, the requirements of any provision of this Chapter or the City Code or Zoning Code.
 - (2) **Suspension Procedure.** Before suspension of a license, the City Clerk shall serve written notice of charges and a notice of a right to a hearing on the licensee or Local Agent by personal service or by U.S. certified mail, no less than 21 days before the City Clerk's hearing. At that hearing, the licensee and the Local Agent shall have a right to be heard. After the hearing, and upon a finding by the City Clerk of a First violation within any twelve (12) month period, the short term rental registration may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a short term rental. After the hearing, and upon a finding by the City Clerk of a Second violation within any twelve (12) month period, the short term rental registration shall be suspended for sixty (60) days and during said time the premises shall not be utilized for a short term rental.
 - (3) **Revocation Procedure.** In addition to any other penalty authorized by law and this Chapter, and upon a determination by the City Clerk of a Third violation within any twelve (12) month period, the City Clerk, may commence proceedings to revoke a short term rental registration pursuant to the provisions of Chapter 70 of this Code.
- 79.109 Violations.** In addition to the suspension and revocation provisions specified above, a violation of any provision of this Chapter shall be deemed a civil infraction as provided in Chapter 94 of the City Code, and the owners and Local Agent, and any persons acting with them, shall be subject to payment of such fines, fees and costs, and such remedial actions as are provided in the Michigan Municipal Civil Infractions Act, being Act No. 261 of 1967 (MCL 600.8701, et. seq.), as amended from time to time. The civil fine for a first offense of a violation of this Chapter shall be \$250, and the civil fine for a second offense, shall be \$400.



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Notice

(to be placed prominently near rental entrance)

Questions, Complaints, or Concerns regarding this Short Term Rental location can be directed to:

The City of Harbor Springs
During normal business hours
Phone: (231) 526-2104

After business hours
911 services for the local police
department

Local Agent responsible for this
location:

Name: _____

Phone: _____

79.106 Regulations.

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- (2) **Contact Information Posted in Window.** A notice (in a form to be prepared by the City Clerk) shall be posted in a prominent first floor door or window location of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the Local Agent, a 24-hour telephone number with which the agent can be reached.
- (3) **Compliance with Codes.** The dwelling unit must meet all applicable residential building, health department, nuisance, and safety codes, and all persons in possession of the dwelling unit shall comply with all provision of State law, the City Code and City Zoning Code.
- (4) **Noise and Nuisance.** Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 7:00 AM. All provisions of the City Code and Zoning Code pertaining to noise and other nuisances shall apply, including Sections 60.111(2), Sections 60.400 to 60.411 and Sections 90.101(23) and 90.101(24) of the City Code.
- (5) **Trash and Recycling.** Trash containers and or recycling containers shall not be placed at the curb or in the front of a short-term rental location, except upon the date when trash removal or recycling pickup is scheduled by a general commercial vendor or the County recycling department for the area where the short term rental property is located. Any trash must be contained within an enclosed container, and no littering is permitted. Trash and recycling containers shall be removed from the curb and stored out of sight from public view once emptied.
- (6) **Pets.** Short-term renters shall pick-up and dispose of pets' waste and shall comply with the City's leash laws, and all other provisions of Section 60.110 of the City Code.
- (9) **Fireworks.** Fireworks of any kind are not allowed on rental property except in accordance with the provisions of Section 90.101(4) of the City Code.



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Acknowledgements for continued operation of a Short Term Rental (to be placed prominently inside rental)

I acknowledge that I am not permitted to have signage, and will not place any signage advertising my property as a short term rental on the property or on the building.

I acknowledge that all areas available to renters of the property will meet the required Building Safety Codes as required by Emmet County Building Department (specifically, but not limited to smoke detectors, Carbon monoxide detectors, fire suppressors, and egresses)

I acknowledge that any trash/rubbish/recycling containers shall be placed out of sight or in a structure other than the morning of pickup. And containers, once emptied, shall be promptly returned to their storage location.

I acknowledge that I have obtained _____ Company to remove **trash** from my property and that their scheduled pickup day is _____. Should said company fail to remove the **trash** it shall be taken off site to an appropriate facility for disposal promptly.

I acknowledge that I have obtained _____ Company to remove **recycling** from my property and that their scheduled pickup day is _____. Should said company fail to remove the **recycling** it shall be taken off site to an appropriate facility for disposal promptly.

I acknowledge that a copy of the attached regulations from the Harbor Springs City Code and Zoning Code will be posted inside the residence where easily viewable for all renters.

I acknowledge that I will inform all renters that all cars are required to be parked on premises and shall not use or obstruct public parking locations.

I acknowledge that I have informed my insurance carrier of the rental use of the property and have proper insurance coverage.

Signed: _____
Property Owner

Date: _____



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Notice of Codes and Regulations

ARTICLE 4 NOISE CONTROL

60.402 Residential District Limits. In any residential district as such districts are defined in Chapter 51 of the Code of Ordinances of the City of Harbor Springs, the noise level from any activity being conducted on any parcel of land or in any building located in such residential district shall not exceed 70 decibels measured on the boundary of the lot on which such activities take place.

60.403 [Business District Limits. In the CBD, B-1, B-2, C, WF or M-1 Districts, as such districts are defined in Chapter 50 of the Code of Ordinances of the City of Harbor Springs, the noise level from any activity conducted on any premises within any of said districts shall not exceed seventy-six (76) decibels measured at the boundary of the lot or parcel on which such activities take place, subject to any more restrictive provisions as may be otherwise provided in this Code or the Zoning Code. Where the boundary of the CBD, B-1, B-2, C, WF or M -1 Districts adjoins any residential district, the sound pressure level from the activities conducted on the non-residential district property shall not exceed seventy (70) decibels measured at the boundary of the residential district or property.]26

79A.106 Regulations.

(7) Fireworks. Fireworks of any kind are not allowed on rental property except in accordance with the provisions of Section 90.101(4) of the City Code.

90.101 Acts Prohibited. No person shall:

(4)

(a) [The term "Firework" or "fireworks" means 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-impact fireworks, articles pyrotechnic, display fireworks, and special effects, as defined by the Michigan Fireworks Safety Act, Act 256 of 2011 (the "Act").

(b) The sale, discharge, storage, transportation and distribution of fireworks in the City of Harbor Springs (the "City") shall be governed by the Act.

(c) The use of Low impact fireworks, as defined in the Act (ground and hand held sparkling devices) are permitted, subject to the restrictions contained in subsection (e) of this Section.

(d) Use of Consumer fireworks, as defined in the Michigan Fireworks Safety Act, in the City of Harbor Springs is prohibited except upon the day before, the day of, and the day after, a federal holiday, subject to the restrictions contained in sub-section (e) of this Section. For purposes of this sub-section, federal holidays are New Year's Day, Birthday of Martin Luther King Jr., Washington's Bilihday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas Day.

(e) Low impact fireworks and Consumer fireworks are subject to the following restrictions, as applicable:
(i) Fireworks shall not be sold to a minor;

(ii) No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks, as defined herein, within the City;

(iii) No person under the age of 18 years shall buy, purchase, acquire or obtain any fireworks, as defined herein, within the City;

(iv) A person shall not ignite, discharge, or use Consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission.

(f) Upon application in writing to the City of Harbor Springs by any association or group of individuals for the public display of fireworks, upon a form approved by the Michigan Department of Licensing and Regulatory Affairs, the City Council, in conjunction with the City Manager and the Chief of Police, may grant permission for such display, subject to such conditions and fees as the City Council and City Manager and/or Chief of Police may impose to properly safeguard the public, both as to persons and property; and subject to the provisions of the Michigan Fireworks Safety Act, Act 256 of 2011, MCL Section 28.466.

(g) Persons who violate a provision of this Section or fail to comply with any of the requirements thereof, shall be guilty of a municipal civil infraction and subject to the civil fines set forth in the schedule of civil fines in Chapter 94 of this Code and shall be subject to any other relief that may be imposed by a court for such conduct, which shall also be considered a nuisance per se. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.

ARTICLE 1

PUBLIC NUISANCES

(3) Outdoor Fire Pit. An outdoor fire pit is a manufactured device not exceeding 40 inches in diameter or 40 inches in width and 40 inches in depth designed for burning of wood or other solid fuel for outdoor heating or recreation, and the fuel for which is contained within the unit itself, and which is typically portable, and which typically has a mesh lid or cover to reduce spreading of sparks. Use of an outdoor fire pit is permitted in residential districts, subject to the following restrictions:

(a) No burning of waste or refuse is permitted;

(b) An outdoor fire pit shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material;

(c) Smoke from use of an outdoor fire pit shall not create a nuisance upon a neighbor's property.

(d) Burning at an outdoor fire pit shall be constantly attended by a competent person until the fire is extinguished.

(e) Use of an outdoor fire pit shall be subject to no burning regulations as determined by the Michigan Department of Natural Resources