

CHAPTER 1486

Short-Term Rentals

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1486.01 PURPOSE.

The purpose of this chapter is to protect and promote the health, safety and welfare of the residents of the Village of Wolverine Lake, as well as those visiting the area, by requiring the registration of short-term rentals within the Village. It is also the intent of this chapter to provide regulations to preserve and maintain the residential communities within the Village and to ensure that the short-term rental activity permitted resembles the existing and traditional residential uses made by resident owners and lessees.

(Ord. 163. Passed 12-13-23.)

1486.02 APPLICABILITY.

This chapter applies to all residential dwelling units in the Village of Wolverine Lake where the dwelling unit is rented for a period of less than 30 days at a time, and where the owner does or does not reside during the rental period. All requirements, regulations and standards imposed by this chapter are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Village, including the Zoning Code. Further, this chapter does not affect additional requirements placed on use of property imposed by deeds, restrictive covenants, associations rules or bylaws, or rental agreements.

(Ord. 163. Passed 12-13-23.)

1486.03 DEFINITIONS.

Unless otherwise specified herein, the terms used in this chapter shall be defined as follows.

(a) "Bedroom" shall mean a separate room with a door, closet, and window that is used or intended to be used specifically for sleeping purposes, has a minimum horizontal distance in any direction of seven feet, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms, or living rooms.

(b) "Building Official" shall mean the person, or his or her designee, appointed as chief administrator of building and construction codes, permits and accepted construction procedures within the Village of Wolverine Lake. For the purpose of this chapter, a Building Official designee may include a professional entity or person which is in the business of performing building inspections.

(c) "Maximum Occupancy" shall mean the maximum number of allowable occupants for a short-term rental, as established in Section 1486.19 of this chapter.

(d) "Occupant" shall mean an occupant or renter of a short-term rental pursuant to a verbal or written rental agreement. The term "occupant" as used herein does not include guests of the occupant or renter who are visiting outside quiet hours.

(e) "Owner" shall mean the person or entity that holds legal or equitable title to the property (or portion thereof) used as a short-term rental.

(f) "Parking Space" shall mean an onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

(g) "Premises" means the site upon which a short-term rental unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

(h) "Responsible Local Agent" means a person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his or her place of residence in the county and designated by the property owner as responsible for operating such property in compliance with the ordinances adopted by the Village. All official notices of the Village may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

(i) "Short-Term Rental" or "STR" shall mean a single-family dwelling unit, or portions thereof, that is available, registered and used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 days at a time when the owner of the single-family dwelling unit does or does not reside in the dwelling unit during the rental period.

(j) "Short-Term Rental Structure" shall mean any building containing one or more short-term rental units, including any common areas accessible to occupants of all short-term rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

(k) "Short-Term Rental Unit" shall mean distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid.

(l) "Special Events" shall mean, in association with a short-term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental license.

(Ord. 163. Passed 12-13-23.)

1486.04 REGISTRATION REQUIRED.

No property owner shall lease, rent or otherwise allow a short-term rental unit to be occupied unless the STR unit is registered with the Village and a person is designated a responsible local agent. The responsible local agent shall be legally responsible for operating the registered STR unit in compliance with the ordinances adopted by the Village, shall be responsible for providing access to the STR unit for the purpose of making any and all inspections necessary to ensure compliance with the ordinances adopted by the Village, and shall accept all legal notices or service of process with respect to the STR unit. The responsible local agent shall maintain a list of the names and number of occupants of each STR unit for which he or she is responsible for every rental that occurs.

(Ord. 163. Passed 12-13-23.)

1486.05 APPLICATION FOR REGISTRATION.

An application for registration of a short-term rental unit shall be made in such form and in accordance with such instructions as may be provided by the Village Building Official and shall include at least the following information.

- (a) The address of the short-term structure or unit(s);
- (b) The names and addresses of all owners of the short-term rental structure or unit(s);
- (c) The name, address and telephone number of the person authorized to collect rental fees from the individuals occupying the short-term rental structure or unit(s);
- (d) The name, local address and telephone number of the responsible local agent;
- (e) The number of short-term rental units in each structure;

(f) A copy of the recorded deed or land contract, and a copy of any deed restrictions, by-laws, or master deed requirements for every structure or premises; and

(g) Proof of homeowner's and/or liability insurance, in a form acceptable to the Village, for limits acceptable to the Village, naming the Village of Wolverine Lake as an additional insured.

(Ord. 163. Passed 12-13-23.)

1486.06 EXISTING SHORT-TERM RENTAL REGISTRATION.

All short-term rental structures or units existing as of the effective date of this chapter shall be registered no later than six months after the effective date of this chapter. The Village may order registration prior to that date for any known STR structures or units upon notification to the property owner of record. Such registration shall be effective for three years, and it shall be the responsibility of the property owners to re-register such STR structure or unit prior to the expiration of the registration for each STR structure or unit.

(Ord. 163. Passed 12-13-23.)

1486.07 CHANGE IN REGISTRATION INFORMATION.

The property owner of a short-term rental structure or unit registered with the Village shall re-register within 60 days after any change occurs in registration information. A new owner of a registered STR structure or unit shall re-register the STR structure or unit as provided in this chapter. Registration fees shall not apply.

(Ord. 163. Passed 12-13-23.)

1486.08 RE-REGISTRATION.

A property owner shall re-register every three years, prior to the expiration of any existing registration.

(Ord. 163. Passed 12-13-23.)

1486.09 INACCURATE OR INCOMPLETE REGISTRATION INFORMATION.

It shall be a violation of this chapter for a property owner or a responsible local agent to provide inaccurate information for the registration of STR structures or units or to fail to provide information required by the Village for such registration. In those cases in which the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each such owner.

(Ord. 163. Passed 12-13-23.)

1486.10 REVOCATION.

If the Building Official shall discover the failure of any property owner to comply with a notice of violation issued pursuant to the provisions of the ordinances adopted by the Village, registration may be revoked.

(Ord. 163. Passed 12-13-23.)

1486.11 APPEAL OF DENIAL OF REGISTRATION OR REVOCATION.

Any property owner whose short-term rental structure or unit registration has been denied or revoked may file an appeal to the Village of Wolverine Lake Zoning Board of Appeals.

(Ord. 163. Passed 12-13-23.)

1486.12 ORDER OF VACATION.

(a) Upon revocation of any registration, founded upon a determination that a short-term rental structure or unit is unfit for human habitation, and after exhaustion of an appeal to the Village of Wolverine Lake Zoning Board of Appeals, if one has been made, the owner or operator of the STR structure or unit shall immediately vacate the structure or unit; and no person shall thereafter occupy the structure or unit for sleeping or living purposes until such structure or unit complies with this chapter.

(b) When a short-term rental structure or unit is found to be in violation of the provisions of the ordinances adopted by the Village, but determined to be habitable, a vacation order shall not be entered; but the registration shall be deemed expired and the STR structure or unit shall be in violation of the terms of this chapter.

(Ord. 163. Passed 12-13-23.)

1486.13 RENEWAL.

At least 30 days prior to the expiration of any registration, the Village shall notify the registered owner to re-register the short-term rental structure or unit and to arrange for an inspection if necessary. The property owner shall be responsible for re-registering a STR structure or unit and arranging an inspection prior to the registration expiration date. When a STR structure or unit is re-registered in accordance with this chapter, it shall have a three year expiration date with the same month and day as shown on the previous registration, regardless of the date that the new registration is actually issued.

(Ord. 163. Passed 12-13-23.)

1486.14 BASIS FOR INSPECTIONS.

Inspections may be made to obtain and maintain compliance with the standards of this chapter based upon one of the following.

(a) A complaint received by the Village indicating that there is a violation of the standards or provisions of the ordinances adopted by the Village;

(b) An observation by the Village of a violation of the standards or the provisions of the ordinances adopted by the Village;

(c) A report or observation of a short-term rental structure or unit that is unoccupied and unsecured or a STR structure or unit that is fire damaged;

(d) The need to determine compliance with a notice or an order issued by the Village;

(e) An emergency observed or reasonably believed to exist;

(f) A request for an inspection by the property owner; or

(g) Requirements of law where a short-term rental structure or unit is to be demolished by the Village or where ownership is to be transferred to the Village.

(Ord. 163. Passed 12-13-23.)

1486.15 COMPLAINT-INITIATED INSPECTIONS.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected short-term rental structure or unit. If any maintenance issues are discovered, inspection fees may be applied at the discretion of the Village.

(Ord. 163. Passed 12-13-23.)

1486.16 INSPECTION PROCEDURES.

(a) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, even though an inspection could not be performed. Rescheduling of the inspection shall be the sole responsibility of the owner or responsible local agent. No inspection shall be completed until all fees are paid in full.

(b) A property owner, local agent or occupant shall provide access to his or her short-term rental structure or unit(s) for all inspections. An individual refusing entry shall be notified of the Village's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the short-term rental structure or unit as uninhabitable and/or instituting other legal action as prescribed herein.

(Ord. 163. Passed 12-13-23.)

1486.17 INSPECTION CRITERIA.

(a) The Village shall utilize the "International Property Maintenance Code" and other applicable ordinance requirements adopted by the Village Council for the Village of Wolverine Lake, as the established standards for the inspection of all short-term rental structures and units.

(b) The Building Official shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code". The checklist shall be available to all short-term rental property owners and tenants prior to an inspection.

(c) The Building Official shall determine whether the short-term rental structure or unit complies with or are legal non-conforming uses in their zoning district. In the event that a legal non-conformity cannot be established, or an owner disagrees with the findings of the Building Official in regard to non-conformity or proper zoning, an appeal may be made to the Village of Wolverine Lake Zoning Board of Appeals.

(Ord. 163. Passed 12-13-23.)

1486.18 REINSPECTION.

Where a reinspection must be made to ensure conformity with this chapter, there will be charged a separate fee for every inspection when the violation has not been abated or corrected.

(Ord. 163. Passed 12-13-23.)

1486.19 SHORT-TERM RENTAL STANDARDS AND REGULATIONS.

(a) Only one dwelling unit per structure, and only one structure on each premises, shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the short-term rental structure or unit and not in a recreational vehicle, camper, or tent.

(b) The Village of Wolverine Lake will limit the number of short-term rental structures within the Village to eight. There are no restrictions on the number of structures or units operated by a single individual.

(c) This chapter only applies to residential zoning districts. No short-term rentals shall be allowed in any other district.

(d) All parking associated with a short-term rental shall be entirely on-site, in the garage, driveway or other improved area. No on-street parking shall be permitted in association with a short-term rental.

(e) Arrangements for trash disposal must be provided. Trash must be contained in properly sealed receptacles with no overflow that will be attractive to insects or vermin.

(f) Pets shall be secured on the premises or on a leash at all times. Occupants and guests shall abide by the regulations contained in the Village of Wolverine Lake Code of Ordinances related to household pets and animals.

(g) Fireworks are not allowed on a rental property, except in accordance with Section 692.09 of the Village of Wolverine Lake Code of Ordinances, as may be amended.

(h) Short-term rentals shall be required to maintain operating smoke detectors, carbon monoxide detectors, and fire extinguishers. Evacuation routes shall be posted in a conspicuous location in each bedroom as well as the main gathering space in each STR structure and unit.

(i) The occupancy for all short-term rentals shall be no more than two occupants per bedroom excluding children under the age of five years old. Sofa sleepers in any living area may also account for two occupants each, with a total maximum STR occupancy, excluding children under the age of five, of ten occupants. At no time shall additional individuals be allowed to sleep outside of the dwelling structure or unit, or in any basement or attic area that does not have legally compliant ingress and egress.

(j) All occupants during any rental period must be members of the same group or family. Guests of the occupants, up to the number equal to the capacity limit of the short-term rental, may be allowed only during non-quiet hours listed below.

(k) Short-term rentals shall observe quiet hours between 10:00 p.m. and 8:00 a.m. Sunday through Thursday and between 11:00 p.m. and 8:00 a.m. Friday, Saturday, and federal holidays. 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. Fireworks noise may occur during the time allowed for use of such fireworks under the Village of Wolverine Lake Code of Ordinances.

(l) Special events, as defined by this chapter, shall not be allowed.

(m) The owner shall require these standards be met by occupants and guests, which shall be included as part of all verbal or written rental agreements.

(Ord. 163. Passed 12-13-23.)

1486.20 ENFORCEMENT.

The Village Building Official, Code Enforcement Officer, Village fire officials and Village police officers are authorized to enforce the provisions of this chapter.

(Ord. 163. Passed 12-13-23.)

1486.21 ADMINISTRATIVE LIABILITY.

Except as may otherwise be provided by state statute, local law or ordinance, an officer, agent, official or employee of the Village charged with the enforcement of this chapter shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(Ord. 163. Passed 12-13-23.)

1486.22 RIGHT OF ENTRY.

When an inspection shall be made, the Building Official, or other enforcing officer, may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this chapter. Permission to access the premises shall be granted by the owner of the premises, his or her agent, or any occupant of the premises. If there is an

emergency, then the Building Official, or other enforcing officer, shall have the right to enter at any time.

(Ord. 163. Passed 12-13-23.)

1486.23 WARRANTS FOR NON-EMERGENCY SITUATIONS.

In a non-emergency situation where the owner, his or her agent, or other occupant of the premises demands a warrant for the inspection of the premises, the Building Official, or other enforcing officer, shall obtain a warrant from a court of competent jurisdiction. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., complaint, compliance, and the like) established in this chapter and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this chapter and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this section, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.

(Ord. 163. Passed 12-13-23.)

1486.24 ACCESS BY OWNER.

Every occupant or guest of any short-term rental structure or unit in the Village shall give the owner thereof, or his or her agent or employee, access to any part of the structure or unit at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.

(Ord. 163. Passed 12-13-23.)

1486.99 PENALTIES.

(a) The penalties for violations of this chapter are as follows:

(1) For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.

(2) A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Village Building Inspector, Code Enforcement Officer and other officials designated by the Village Council are hereby authorized to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court. Each day the violation remains may be a separate offense.

(3) A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred dollars (\$500.00), and the registration shall be revoked. An owner may re-register no sooner than 12 months after revocation of said registration.

(4) If there are one or more violations each year during any three consecutive year period, registration may be permanently revoked.

(b) A violation of this chapter shall be a nuisance per se. The Village shall also have the right to commence a civil action to enforce compliance with this chapter.

(Ord. 163. Passed 12-13-23.)