

VILLAGE OF BEULAH BENZIE COUNTY, MICHIGAN

ORDINANCE NUMBER 2021-003

SHORT-TERM RENTAL PROPERTY REGISTRATION ORDINANCE

THE VILLAGE OF BEULAH ORDAINS AS FOLLOWS:

SECTION 1. TITLE

Short-Term Rental Property Registration Ordinance.

SECTION 2. PURPOSE

The number of Short-Term Rentals in the Village of Beulah has increased substantially in recent years. Many of these properties are owned by LLCs, family trusts, or other legal structures which make it difficult to identify the responsible person for the Short-Term Rental. The Village of Beulah and residents need to be able to communicate with these owners when needed, both promptly and efficiently. The Village of Beulah needs to obtain the information required to be provided by this Ordinance from Short-Term Rental owners in order to better understand and monitor the impacts such short-term rentals create on the community and to respond to complaints in the interest of the public health, safety, and welfare.

This Ordinance requires owners of short-term rental property to annually register such properties with the Village and to provide necessary information related to such property.

SECTION 3. APPLICABILITY

The requirements of this ordinance are applicable to all Short-Term Rentals in the Village of Beulah with the following exceptions: commercial hotels, motels and bed and breakfasts as those terms are defined in the Village of Beulah's Zoning Ordinance.

The terms of this Ordinance shall not supersede the Village of Beulah's Zoning Ordinance nor authorize Short-Term Rentals where such use is not an allowed use in within a zoning district under the Village of Beulah's Zoning Ordinance.

This ordinance shall not apply to short-term rentals totaling not more than two weeks (14 days) in any calendar year.

SECTION 4. DEFINITIONS

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

1. For cause: means and includes the doing or omitting of any act, or permitting any condition to exist, in connection with a Short-Term Rental for which a license is granted, which act, omission or condition is:
 - a. Contrary to the health, morals, safety or welfare of the public;
 - b. Unlawful, irregular or fraudulent in nature;
 - c. Unauthorized or beyond the scope of the license granted;
 - d. Forbidden by ordinance of the Village of Beulah or any duly established rule or regulation of the Village applicable to Short-Term Rentals;
 - e. A violation of any County ordinance or any statute of the State of Michigan; or
 - f. The result of failure to continuously comply with all conditions of the license.
2. Short-Term Rental: Any building, house, cabin or other structure or portion thereof which forms a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating and bathing purposes and is used for accommodating one or more renters for any lease period of less than 30 days.
3. Local Contact Person: The owner or a local property manager or agent of the owner designated by the owner. This person must be located within 45 minutes of the property.
4. Owner: The person or legal entity which holds the legal title to the property (or portion thereof) used as a Short-Term Rental.
5. On Site Parking: A designated parking area legally available for the Short-Term Rental's use for overnight parking of a motor vehicle other than within a public right-of-way.

SECTION 5. VILLAGE OF BEULAH SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

All owners of a Short-Term Rentals within the Village of Beulah shall annually register the Short-Term Rental with the Village of Beulah on a form provided by the Village of Beulah on its website. The Form shall require the following information:

1. The names(s), permanent address, phone number(s), including personal cell phone numbers and email address(es) of the owner(s) of the Short-Term Rental.
2. The physical address of the property where the Short-Term Rental is located.
3. The maximum number of persons permitted to occupy the Short-Term Rental.
4. The number of Onsite Parking Spaces provided for the Short-Term Rental and the location of the spaces.
5. The name, address, business and cell number and email address of the Local Contact Person to respond to emergencies and complaints.
6. It is the responsibility of the Short-Term Rental Owner to immediately inform the Village Office of changes in any of the above required information

SECTION 6. REGISTRATION PROCESS

1. No person shall operate a Short-Term Rental without a valid license and registration number as required by this Ordinance.
2. All Short-Term Rental owners are required to register their Short-Term Rentals prior to the start of any Short-Term Rentals in any calendar year. Registrations expire on December 31 of each year.
3. If an individual or other legal entity owns more than one Short-Term Rental, separate registration forms and fees shall be filed for each Short-Term Rental.
4. All registration forms submitted shall be accompanied by an annual registration fee of \$100.00, which fee may be modified by Resolution of the Village Council.
5. All registration forms shall be signed by the Short-Term Rental owner and in the event that the Short-Term Rental is located on real property not owned by the Short-Term Rental owner, the owner of the real property or other legally authorized person.
6. Upon submission of all information and the required fee, the village will provide a license and registration number.
7. The registration number must be displayed on all advertisements for the Short-Term Rental and rental contracts for the Short-Term Rental.
8. The Village of Beulah will maintain a current list of all registered Short-Term Rentals, including the address of the Short-Term Rental, the registration number and the Local Contact Person's contact information. This list shall be available by contacting the Village Clerk by email at clerk@villageofbeulah.net or by mail, phone (231-882-4451) or in person at the Village of Beulah Office, 7228 Commercial St., P.O. Box 326, Beulah, MI, 49617.

SECTION 7. COMPLIANCE

1. Only an owner of the Short-Term Rental shall be allowed to hold a license under this Ordinance.
2. A Short-Term Rental license and registration number shall be subject to the terms of the license and the following conditions, which conditions are in addition to conditions contained elsewhere in the Village of Beulah's Ordinances:
 - A. The Local Contact Person should attempt to resolve a complaint before local law enforcement or the Village is contacted.
 - B. It is the Short-Term Rental owner's responsibility to assure that their guests are fully informed of all local ordinances including, but not limited to:
 - i. Beulah Ordinance 88-3 establishing quiet hours from 11pm to 7am.
 - ii. Fireworks and Unlawful Discharge (Ordinance No. 2019-3).

- iii. Benzie County Animal Control and Enforcement Ordinance.
 - iv. Village of Beulah Ordinances 96-1, 98-6, 98-7, 98-8, 2001-3 and 2010-1 prohibiting alcoholic beverages and animals (except registered service animals) in or on any village park, beach or dock and prohibiting watercraft of any kind on village beaches or bottomlands or from standing at any time at the “T-Dock”, south of the boat launch.
- C. Provisions for trash disposal should be provided. Trash should be contained properly in sealed receptacles. Trash day should be posted.
- D. A “Village Visitor Guide” provided by the Village is recommended for posting in the rental unit.

SECTION 8. PENALTIES

1. A person who violates any provision in Section 6. Registration Process of this Ordinance is responsible for a municipal civil infraction. The fine for any violation of that Section shall be no less than \$100.00, plus costs. Each day for which any such violation of the Section continues constitutes a separate offense and may be subject to penalties or sanctions as a separate offense.
2. In addition to any remedies available at law or set forth in this Ordinance, the Village of Beulah may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

SECTION 9. SUSPENSION; REVOCATION; APPEALS

The Village Zoning Administrator may immediately suspend a Short-Term Rental registration number and license for cause, noncompliance with this Ordinance or license, or the owner has made a false material statement in the application or has otherwise become disqualified for the issuance of such a license. The suspension shall be effective upon the date of mailing notice of the suspension to the Owner at the physical address by certified mail and the email address provided by the Owner on the registration form for a Short-Term Rental license and registration number. Upon suspension, the licensee shall be ineligible for a Short-Term Rental license and registration number for one full calendar year.

Suspensions may be appealed by the Owner to the Village Council within 30 days from the notice of suspension. The Village Council after a hearing may overrule or uphold the decision of the Village Zoning Administrator. Any decision of the Village Council under this Ordinance may be appealed to a court of competent jurisdiction.

An Owner of a Short-Term Rental who has had a registration number and license suspended more than two (2) times in a three (3) year period shall not be eligible for a Short-Term Rental license or registration number within the Village.

SECTION 10. EFFECTIVE DATE

This ordinance shall become effective 30 days after its publication in a newspaper in general circulation within Benzie County.

SECTION 11. VALIDITY

Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared invalid.

YEAS: Trustees Browning, Downs, Hook, Loll and VanDePerre

NAYS: None

STATE OF MICHIGAN)
)
COUNTY OF BENZIE)

We, the undersigned, the duly qualified and acting President and Clerk of the Village of Beulah Benzie County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an Ordinance adopted at a regular meeting of the Village Council on the 4th day of November, 2021, and that such Ordinance was duly published in the Benzie County Record Patriot on the 17th day of November, 2021.

Jeri VanDePerre, President Pro Tem

Dawn Olney, Clerk